

# The Role of Civil Society in Peacebuilding: Southeast Asia in Focus

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This paper was prepared in the framework of the Civil Society Dialogue Network (CSDN) <http://www.eplo.org/civil-society-dialogue-network.html>

The paper was produced as background for the CSDN meeting entitled ‘*Supporting Myanmar’s Evolving Peace Processes: What Roles for Civil Society and the EU?*’ which took place in Brussels on 7 March 2013.

The views expressed in the paper do not necessarily reflect the positions of the CSDN as a whole, or of EPLO, the European External Action Service or the European Commission.

### **Civil Society Dialogue Network**

The Civil Society Dialogue Network (CSDN) is a three-year project funded by the Instrument for Stability of the European Commission aimed at facilitating dialogue on peacebuilding issues between civil society and the EU institutions.

For more information about the Civil Society Dialogue Network, please visit the [EPLO website](#).

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*The author wishes to thank the following for their helpful comments on a draft version: Antonia Potter Prentice, Natalia Figge, Don Pathan, Gus Miclat, Jim Della-Giacoma and Ou Virak.*

## Summary

This paper provides an overview of five cases of civil society involvement in peacebuilding from Southeast Asia, as a reference for similar civil society efforts in Myanmar and as a basis for external actors that might wish to provide assistance.

1. *Philippines: Bantay Ceasefire in Mindanao.* A group of local grassroots leaders and international civil society peace activists formed Bantay Ceasefire (Ceasefire Watch) with community volunteers to conduct independent monitoring of the Philippine government-Moro Islamic Liberation Front ceasefire mechanism.
2. *Timor-Leste: Community Reconciliation.* The Community Reconciliation Process was a village-based participatory mechanism. Participation in the process was voluntary and limited to “less serious” crimes excluded from formal prosecution. Employing traditional practices of dispute mediation, leaders brokered agreements between perpetrators and victims to allow the former to be re-accepted into the community.
3. *Southern Thailand Peace Dialogues.* Civil society efforts to build confidence through dialogue aim to pave the way to a formal peace process through efforts like the Civil Society Council of Southernmost Thailand is drafting a bill, based on a number of possible models for political decentralization. The Patani Peace Process engenders civil society cooperation, working with an “Insider Peacebuilders Platform” of 50 influential individuals.
4. *Indonesia: Aceh Conflict Mediation.* The peace process in Aceh is remarkable for the role of international NGOs—the Henry Dunant Center (2000-2003) and the Crisis Management Initiative (2004-2005). The former set of peace talks broke down and martial law was declared in the province. The latter process, mediated by former Finnish president and Kosovo peacemaker Martti Ahtisaari, resulted in a Memorandum of Understanding based on autonomous rule in Aceh. Local civil society was marginalized in both negotiations but built confidence in the peace processes among the Acehnese.
5. *Cambodia: Growing Civil Society for Peacebuilding.* The UN Transitional Authority in Cambodia (UNTAC) endeavored to establish a democratic system of governance in the country. Integral to this effort was its encouragement of the civil society sector, which grew exponentially. The government has sought to limit space for civil society through measures that curtail free speech and freedom of association.

The roles that civil society played varied in the manner in which they participated in peacebuilding across the cases. In Mindanao and Timor-Leste, CSOs and local leaders participated directly in early warning, civilian monitoring and inter-positioning. In Aceh and Southern Thailand, local civil society was mainly marginalized. Nevertheless, they play an advocacy function by promoting the idea of peace. In Cambodia, the result is mixed: civil society was highly embedded in peacebuilding but the government now curtails its role in a number of ways. Even so, civil society is able to wield the “power to expose” injustices and surface conflict non-violently.

## Recommendations for Civil Society Peacebuilding in Myanmar

1. *Develop an operational conflict analysis.* Peacebuilders need to develop an operational conflict analysis with enough depth to anticipate potential consequences of any program intervention. This will aid in identifying leverage points that can reinforce and amplify peacebuilding opportunities.
2. *Reinforce the discourse for peace in militarized situations.* Visible civil society participation should be undertaken with great care if their security is highly uncertain. Civil society efforts under difficult, militarized conditions can be best supported through encouraging combatants toward political, rather than violent, solutions to the conflict.
3. *Support intra-civil society linkages.* The ability to sustain multiple linkages has a positive impact on civil society resilience throughout cycles of violence. Any effort for Myanmar

should include CSOs that are outside urban centers, those that do not speak English, registered and unregistered organizations, and sectors such as women and youth. A specific effort needs to be made to assist exile and border NGOs.

4. *Enable Myanmar civil society to access Association of Southeast Asian Nations (ASEAN) entrypoints.* ASEAN has played an important role in convening political discussion, buffering member states' sensitivities and finding ways around the once rigid principle of non-interference. ASEAN is advancing a political-security community in the region for peacebuilding with some existing and potential entrypoints for civil society.
5. *Foster Asia-Europe exchanges for peacebuilding.* One particular area relevant to Myanmar is the development of capacity for early warning and response mechanisms, particularly in ethnic conflict. The Organization for Security and Cooperation in Europe (OSCE) with the High Commissioner for National Minorities would be a resource in such an endeavor.

## Philippines: Bantay Ceasefire in Mindanao

### *Background*

Mindanao was a predominantly Muslim territory in the majority Catholic Philippines. Today, majority Muslims occupy about one-fourth of its total land area. Triggered by the 1972 declaration of martial law in the country, the Moro National Liberation Front (MNLF) led an armed insurgency. The Moro Islamic Liberation Front (MILF) broke away from the MNLF in 1984, presenting a more militant and Islamic alternative to the more secular and institutionalized MNLF. The ouster of the Marcos dictatorship and the adoption of a new constitution in 1987 created the Autonomous Region in Muslim Mindanao (ARMM). In 1994, the Philippine government and the MNLF signed a ceasefire agreement and MNLF leadership effectively dominated the ARMM. The conflict with the MILF has persisted with military confrontations interspersed with ceasefires—frequently violated—and peace negotiations. The government declared an “all out war” policy in 2000 and military operations received logistical support from the US in 2002. In 2005, the MILF announced that it dropped its demand for a fully autonomous Muslim state in Mindanao. The Supreme Court ruled an incipient 2008 Memorandum of Agreement on Ancestral Domain (MoA-AD) unconstitutional and fighting resumed. Since 1984, there have been over 73,100 fatalities estimated and 7,000 displaced. The 2012 Bangsamoro framework peace agreement provides the formation of a new, larger autonomous region in Mindanao subject to a plebiscite and eventual ratification of a Bangsamoro Basic Law by 2016. Some key points include the decommissioning of the MILF forces, democratic and human rights guarantees and the expansion of Sharia courts for Muslim residents.

A group of local grassroots leaders and international civil society peace activists convened by the Initiatives for International Dialogue, a Davao City-based NGO in Mindanao, formed Bantay Ceasefire (Ceasefire Watch) in 2003. The purpose of the initiative was to conduct independent assessment and monitoring of the Philippine government-MILF ceasefire mechanism. Reports of the official Local Monitoring Teams to the body overseeing the Cessation of Hostilities agreement were confidential and the initiative sought to provide public scrutiny of the process.

- The government and MILF recognize Bantay Ceasefire as a civilian-led, third party mechanism for volunteer monitoring alongside the Local Monitoring Teams (in which civil society is also officially represented). Bantay Ceasefire’s initial approach included the participation of Mindanao-based and partner foreign civilian monitors. The rationale for this was that the inclusion of groups from the South, especially from within ASEAN, would be beneficial due to similar challenges of insurgency and conflicts arising from ethnic or religious differences. Solutions could likewise be shared.
- Bantay Ceasefire continues to be a means for grassroots communities to prevent conflict by supporting the ceasefire, reporting ceasefire violations and generally reducing threats to civilians in conflict-affected areas. It has presented its findings and advocated its recommendations to both parties as well as to the diplomatic community. The initiative added to the information flow between the parties, minimizing misunderstanding and forestalling conflict escalation. For instance, information from Bantay Ceasefire assisted commanders on both sides to differentiate inter-clan clashes from organized hostilities.
- The Coordinating Committees on the Cessation of Hostilities, including both government and MILF officials, commended Bantay Ceasefire for providing impartial public analysis of ceasefire violations.
- Bantay Ceasefire engages in networking efforts and outreach to religious, security and insurgent leaders, persuading them to broaden constituencies for the peace process. The initiative helped to gain momentum in formal peace talks. From the original 60 members of the first investigative mission, Bantay Ceasefire membership grew to a present 900 volunteers covering six provinces in south, central and western Mindanao. Under the umbrella of the Mindanao Peoples Caucus, volunteers have formed an operational

structure to facilitate a reporting system and timely activation of provincial quick response teams.

*Civil society.* The active peace movement in Mindanao reflects the strength and resilience of civil society in the country, as well as special efforts to manage the conflict over the years. Civil society activities in Mindanao include inter-faith dialogue, coalition building, community organizing and media advocacy. CSOs have successfully aired discussion of the root causes of the conflict. They have countered policy elites' discourses of "pursuing victory over Muslim insurgents" in the media, in favor of promoting development in the Mindanao. Local CSOs are capable of networking in various ways among themselves, with organizations in the capital Manila as well as internationally. However, although Mindanao is host to "hyperactive" civil society, Muslim groups are significantly less developed than their Christian counterparts. There are also few "mixed" NGOs in the area: the constituencies of most NGOs tend to be either exclusively Muslim or Christian. Overall, this leads to some imbalance in peace efforts that must be addressed. Encouragingly, the past two-to-three years have seen the proliferation of more Muslim CSOs in advocacy, human rights, livelihood, youth and women issues.

*Analysis of Civil Society Roles.* Bantay Ceasefire is an example of civil society actors provided direct support to peace-making. The initiative has successfully established a niche in civilian monitoring and is able to mobilize constituencies for peace. There are inherent risks to civil society actors playing this role—the most immediate danger is to the well-being of volunteer monitors. A few factors may have mitigated this risk: (1) the strong inter-linkages among civil society—locally, nationally and internationally; (2) the high degree of confidence that parties have in the initiative; and, (3) the violence began to wind down by the time Bantay Ceasefire activated. This implies that timing is essential—civil society may best engage in this type of activity when there is an opportunity to sustain and support conflict de-escalation. Another crucial factor is the perceived independence of Bantay Ceasefire and its allied CSOs. They are seen to have no other political agenda than representing the "victims" of the conflict. It should be noted that Bantay Ceasefire can only do so much—it could not act effectively during the 2008 MoA-AD debacle, even as its members became targets of the violence that ensued.

## **Timor-Leste: Community Reconciliation**

### *Background*

The prospect of decolonization in 1974 opened the opportunity for self-government in the Portuguese colony East Timor. This led to the formation of the major political parties including those that advocated for absorption into Indonesia. A brief civil war ensued and the left-leaning, pro-independence FRETILIN emerged victorious. Independence was brief and Indonesia invaded in December 1975, against the backdrop of the Cold War. The invasion and early years of occupation resulted in over 100,000 deaths both due to the conflict as well as famine and disease engendered by the conflict. Indonesian occupation, repressive under strongman President Suharto, spanned almost 25 years until Suharto's fall in 1999. Under President B.J. Habibie, Jakarta was prepared to put the question of East Timorese independence to a referendum. The Indonesian military, unwilling to cede the territory, organized Timorese militias to carry out a campaign of intimidation. Despite egregious violence, 78.5% of voters cast their ballot against autonomy and for independence. The violence intensified immediately after the referendum results were announced with an estimated 1,200-1,500 dead, 200,000 displaced and most public infrastructure damaged. A UN-sponsored international coalition restored order and then the UN Transitional Authority in East Timor was established to facilitate a three-year transition to independence. With the new name "Timor-Leste", the country became independent in 2002.

The Commission for Reception, Truth and Reconciliation (CAVR) of Timor-Leste was created to heal the deep rifts within society brought about by civil war, annexation and political violence. The Community Reconciliation Process (CRP) was a main component of its reconciliation initiatives. The program aimed to reintegrate people estranged from their communities by committing “less serious” harmful acts during the political conflicts in Timor-Leste, while the Office of the Prosecutor-General (OPG) and the Serious Crimes Unit (SCU) handled crimes through the formal justice system. The CRP:

- was a facilitated, village-based participatory mechanism;
- combined practices of traditional justice, arbitration, mediation and aspects of both criminal and civil law;
- incorporated the role of *lia-nian* (literally, keepers of the word) and community elders in the process of intermediation;
- set out the basic steps with enough flexibility as needed in each locale.

Participation in the process was voluntary. A panel of local leaders conducted hearings in an affected community. The perpetrator, called the deponent, had to fully recount his or her participation in the conflict. Victims and other members of the public could ask questions and make comments. The panel brokered an agreement in which the deponent would undertake take certain actions like community service or payment of reparations in return for re-acceptance into the community. Traditional practices were incorporated into the procedure, varying according to local custom.

The CRP experience exemplifies the convergence of efforts by the CAVR as a national body, a number of NGOs—particularly in the area of victims’ support—as well as traditional and local leaders. The program offered a model of peaceful dispute resolution throughout the country, with a number of local facilitators trained in mediation and arbitration.

*Civil society.* Civil society played a critical role in the struggle for independence. Indonesia’s military victory over Timorese resistance to invasion eventually allowed the government to implement infrastructure development in the province throughout the 1980s. While an international movement built outside East Timor, resistance re-emerged inside the territory. Student, youth, women’s and Church organizations formed the basis of a renewed clandestine network. A number of international NGOs, particularly in humanitarian relief, likewise operated in the country. By mid-to-late 1990s, local NGOs emerged in fields like human rights protection as well as women’s rights and violence against women. Indonesian NGOs likewise began to have a presence in the province.

Local NGOs lost everything as a result of the 1999 violence—their offices were destroyed, staff were scattered with some killed. A large number of international NGOs arrived with the UN. Despite some tension with international NGOs over disparities with local groups, Timorese NGOs and civil society flourished during transition and independence. From a few dozen NGOs registered with the UN in 2000, there were over 300 by 2004 without counting local community groups of women, farmers and other associations in the districts. Local NGOs also moved into new areas such as agriculture, health and livelihood work.

*Analysis of Civil Society Roles.* This case exemplifies a transformative, peace-making role for civil society, namely local and traditional leaders who lent credence to the use of traditional practices in dispute resolution.

Even after the CRP wound down, there was a significant increase in the government and other actors’ use of community dialogue and consultation. The belief in the power of grassroots initiatives and strong, shared communal expectations relating to traditional dialogue practices proved to be a source of resilience.

Utilizing traditional practices—where they exist and have the possibility of functioning—could be a robust peacebuilding strategy. Adaptation is key: such structures may not be inclusive to certain groups and might exacerbate marginalization based on gender or ethnicity. Moreover,

an artificial and superficial indigenization of alien processes may be just as harmful. The process may have worked in Timor-Leste perhaps because it was nested within the larger environment of a highly mobilized local civil society. Moreover, the CAVR effort to build community capacity in facilitation and mediation techniques seem to have mitigated the attendant risks.

## Southern Thailand Peace Dialogues

### *Background*

In majority Buddhist Thailand, the insurgency in the Muslim-dominated southern provinces bordering Malaysia has killed nearly 4,000-5,000 people since 2004. Violence has occurred almost daily since the insurgency re-emerged. Rebels assert that Thailand illegally incorporated the Malay-Muslim region in the past century and see Thailand's rule as illegitimate. Armed separatist groups resisted discrimination and forced assimilation, peaking in the 1970s and early 1980s, financially supported by some governments in the Middle East that also provided military training and refuge. This subsided in the late 1980s and early 1990s partly due to Thailand's counter-insurgency efforts, including political and economic reform, and partly because of differences that emerged between combatants in the field and leaders in exile. Violence re-emerged after groups such as the Patani United Liberation Organization (PULO) and the National Revolutionary Front (BRN) split into more militant factions, including the Patani Islamic Mujahideen Group (GMIP).

Efforts by civil society are animated by the intention to create traction and a sense of confidence in peace dialogues, paving the way for a formal process. Since 2011, a number of CSOs have banded together to transform conflict dynamics by pursuing a participatory approach in Southern Thailand.

- The *Civil Society Council of Southernmost Thailand*, composed of 20 CSOs, has five aims: expand democracy in the region; improve the justice system; improve local quality of life; preserve and cultivate Malay identity; and stop the violence. The Council proposes a number of possible models for political decentralization, including modes for direct election of regional and provincial leaders. The Council will soon complete 150-200 workshops at the village level before submitting a draft bill on decentralization and a petition to lift the emergency decree in the area.
- The *Patani Peace Process* aims to foster cooperation among CSOs, the media, academic and research institutions as well as state agencies. They have created the "Insider Peacebuilders Platform", centered on 50 respected Thais of various backgrounds and political affiliations, but who share a desire for peaceful resolution of the conflict.
- The *Patani Peoples' Peace Forum* gathers a number of CSOs, academics and individuals—some of whom had been exposed to Mindanao peacebuilding dynamics. They aim to develop a "peoples' peace agenda" similar to an initiative in Mindanao.

*Civil Society.* Nationally, Thailand has one of the largest civil society communities in Southeast Asia. Bangkok, as a regional center for several inter-governmental agencies like the UN, is also host to hundreds of regional NGOs. However, there seems to be limited mobilization among local civil society leaders to participate in resolving the conflict in the South.

The Thai National Security Council (NSC) attempted peace talks with a PULO faction, assisted by the Center for Humanitarian Dialogue (HDC), a European NGO specialized in mediation. In this "Geneva Process", Muslim and Buddhist leaders from three southernmost provinces were involved as part of an attempt to expand a partnership for peace and enhance its legitimacy. However, the inclusive approach met an abrupt end with the new government, elected in 2011. The NSC team was replaced and the current government gave the sole

mandate for negotiation to the secretary general of the Southern Border Provinces Administrative Center.

Long-standing donors and international NGOs have funded a wide range of activities centered on strengthening capacity of Thai civil society working in Southern Thailand. While these activities are not directly related to conflict resolution, they are seen to help create an atmosphere conducive to peace.

Village-based mediators operate discreetly in Muslim and Buddhist communities. Local commanders and officials negotiate rules of engagement to make life more bearable, but these initiatives do not reflect overall policy. Due to security concerns in an environment of mistrust, these mediators do not present themselves openly as members of civil society willing to mediate.

*Analysis of Civil Society Roles.* The outcome is that civil society in Southern Thailand, while mainly excluded from peace talks, use their “power to persuade” through peace advocacy. They are pushing for the idea for peace, even if they are far ahead of the parties to the conflict.

CSOs are engaged in mobilizing constituencies for peace, involving village-level participation, but this is generally elite-driven. They rely on peace studies programs at universities in and around Bangkok as well as eminent persons to influence intra-elite consensus on a political solution. These CSOs are capitalizing on public pressure—in the face of little hope for a decisive breakthrough originating in Bangkok or from the militants themselves.

There are many risks to this approach. Parties to the conflict and other critics assert the lack or perceived lack of “true” representation in these initiatives. They are accused of serving narrow interests of an intellectual elite by some, or separatist sympathizers by others. If they are to overcome this criticism, they must continue to broaden their base.

There is another risk inherent to a grassroots approach “from above”, however. Participation can very easily lead to tokenism, and there are strong reasons to believe that overt participation remains dangerous in these divided communities where security and stability are not guaranteed. As it currently stands, the initiative seems too rushed with a target of completing village consultations in the first quarter of 2013. Working with communities takes time and patience. Prolonged and deep engagement without the pressure of deadlines for legislative proposals might work more effectively.

With regard to foreign mediation, although a PULO faction involved in the talks were amenable to the approach, the idea of foreign mediation may not be as palatable to other separatist groups. The Thai government itself is ambivalent, if not averse, to both government and non-government mediation from the outside. Nevertheless, the role of honest broker needs to be casted. If HDC mediation efforts had continued, a delicate balance would have been needed between secrecy and embedding the process within national and local civil society. It remains to be seen how recent moves for the Malaysian government, which itself has a stake in the conflict, to broker a new process will develop.

## **Indonesia: Aceh Conflict Mediation**

### *Background*

The conflict in Aceh, which claimed an estimated 8,400 lives from 1999 to 2005 and displaced over half a million, has deep roots. Dutch colonization never fully subdued the powerful Acehese sultanate. With Indonesian independence in 1949, the Darul Islam movement sought to increase the importance of Islam in the country’s governance. As a result, Aceh



gained the status of “special region” with autonomy in religion, customary law and education—ending the rebellion in 1962.

Under the authoritarian Suharto regime, discontent grew over the natural gas exploitation benefits to the central government rather than Aceh itself. The Free Aceh Movement (GAM) that emerged in 1976 to press the cause for Acehnese independence was initially quelled, only to re-emerge with support from Libyan operatives and Acehnese émigrés in Malaysia. In 1989, Aceh was designated as a Military Operations Area (DOM) in which the security forces committed a wide range of atrocities, mainly affecting civilians. The Suharto regime collapsed in 1998, ushering in a gradual but conflict-ridden transition to democracy. Encouraged by East Timor’s vote for independence in 1999, the GAM insurgency re-emerged and expanded to control large parts of the territory.

Negotiations brokered by the Henry Dunant Center (HDC, now the Center for Humanitarian Dialogue) between the government and GAM resulted in two short-lived ceasefires: the Humanitarian Pause in 2000 and the Cessation of Hostilities Agreement (COHA) in 2002. In 2003, the government launched a crackdown and imposed martial law in Aceh. A massive tsunami hit Aceh and other parts of Asia in 2004. Former Finnish president Martti Ahtisaari mediated peace talks between the government and GAM, concluding a Memorandum of Understanding (MoU) in 2005. The Aceh Monitoring Mission (AMM), comprised of European Union (EU) and ASEAN observers, monitored the implementation of the peace agreement.

The peace process in Aceh is remarkable for the role of international NGOs—the HDC (2000-2003) and the Crisis Management Initiative (CMI) (2004-2005) in the mediation of peace agreements, as well as the AMM, which signified the EU’s first mission in Asia under its Common Foreign and Security Policy.

- *HDC Mediation.* Founded in 1999, the HDC quickly seized on the opportunity for negotiating peace in a post-Suharto environment. The Indonesian government was open to talks that did not officially internationalize the conflict to avoid legitimizing GAM.

Several analyses published by the East-West Center Washington attribute the ultimate failure in the process to a number of key causes:

- (1) the circumstances were not “ripe” in that neither side was ready to make concessions on the question of independence vs. autonomy;
- (2) spoilers from both parties could not be reined in from undermining the peace process;
- (3) HDC lacked the authority that UN peacekeeping missions or third-party states had to make parties comply with the peace agreements or force them to return to negotiations;
- (4) the 2001 Special Autonomy Law failed to assuage the long-term causes of discontent in Aceh; and,
- (5) the Special Autonomy Law was offered by the government as a unilateral concession de-linked from a broader bargaining process with separatist leaders and elements of civil society. The HDC experience in Aceh, although ultimately unsuccessful, did not sound the death knell for NGO mediation. In fact, the HDC has extended its services as a neutral mediator in several conflicts inside and outside the region.

- *Helsinki Process.* The so-called Helsinki process took place within a different context. Democratic consolidation had progressed further in Indonesia. Moreover, both President Susilo Yudhoyono and then Vice President Jusuf Kalla lent a great deal of personal and political support to the process. The East Timor factor, which mobilized the military against any political solution in Aceh, had subsided. Moreover, the GAM was nearly spent as a fighting force.

In early 2004, Kalla began informal contacts to GAM field commanders and to the exiled leaders. Through intermediaries, former Finnish president and Kosovo peacemaker Martti Ahtisaari, was convinced to shepherd the process. CMI, founded by Ahtisaari in 2000, was the institutional vehicle for mediation—allowing Indonesia to maintain that they had not

formally internationalized the talks. The devastation in Aceh wrought by the tsunami in December 2004 catalyzed the process, given the resulting devastation and dynamics that the need for humanitarian aid and reconstruction created.

Key differences with the HDC mediation also included the reversal of the negotiation sequencing: political settlement had to be agreed upon prior to demilitarization and disarmament. The 2005 Memorandum of Understanding (MoU) incorporated GAM's withdrawal of its claim for independence. This historic concession allowed the peace talks to be anchored on Aceh's autonomy. Ahtisaari himself embodied another important difference as one who could exercise greater authority than HDC. He more effectively mobilized support from the EU and the UN. Finally, the AMM signified a multilateral and high-profile mechanism to monitor the implementation of the peace agreement for 15 months.

*Civil society.* During Suharto's regime, political mobilization was severely repressed. Nevertheless, a number of organizations formed to investigate and document cases of human rights abuse. With democratization and the lifting of the DOM, student and youth groups emerged at the forefront of a pro-referendum movement as the best solution to the conflict along with academics, women's networks, NGOs, the media and religious groups. Urban-rural links throughout Acehese society increased to address livelihood, health and education concerns.

Faced with initial skepticism over peace processes mediated by international NGOs, Acehese civil society groups sought to build trust in the institutions behind the peace process. Following the signing of the MoU, CSOs played a significant role in minimizing the potential for new conflict by promoting informal dialogue on sensitive issues. Spoilers threatened disruption in the immediate post-agreement period. CSOs re-framed their actions as criminal—not political—violence that should be dealt with by the police and legal institutions.

There was a high level of public participation and civil society engagement in the drafting of the Law on the Governing of Aceh, particularly to ensure that the Acehese government would be accountable and participatory. CSOs actively conducted various public consultations for the law to have as broad a base as possible. They also undertook capacity building of informal leaders and the strengthening of customary institutions for mediation and dispute settlement, enabling them to defuse dissatisfaction and promote ex-combatants' reintegration.

*Analysis of civil society roles.* The biggest risks for civil society inter-positioning themselves between combatants were exemplified during the 2000-2003 peace process. Tension between the HDC's intention for inclusiveness and the exigencies of the process resulted in an on-again/off-again role for civil society during the negotiations. Activists participated in the Joint Committee for Humanitarian Action and the Joint Committee for Security Capital established for the Humanitarian Pause, as well as monitoring teams established for each. However, both the government and GAM tried to control representation and the divisions between them were replicated in civil society representation. The rapid failure of the COHA's confidence-building measures rendered moot the "all-inclusive dialogue" requirement of the agreement.

With renewed military repression in 2003, student activists, humanitarian workers, intellectuals and journalists became new targets for the military. Increasing intimidation, forced disappearances, arbitrary arrests, torture and killing marked the collapse of space for civil society until the peace process finally took root. Such risks must be mitigated by, firstly, avoiding the politicization of non-partisan groups. Secondly, any roles for civil society actors in the peace process should be well defined. A large part of the problem in this case was that the lack of a clear role in the peace talks rendered civil society representatives vulnerable to manipulation by partisans.

## Cambodia: Growing Civil Society for Peace

### *Background*

The Khmer Rouge-perpetrated genocide (1975-1979) was one of the worst tragedies of the last century—a fifth of the population or an estimated 1.7 million were killed due to political violence, famine and disease. The Vietnam invasion ousted the Khmer Rouge regime in 1979, forcing Pol Pot and the Khmer Rouge forces to flee. Against the backdrop of the Cold War, guerrilla forces supported by the West waged a civil war against the pro-Vietnam government. In 1991, a peace agreement was signed in Paris that established a UN-sponsored transition with a power-sharing arrangement among the different political factions in the country. Transitional justice via the national-international hybrid Khmer Rouge Tribunal has ground forward slowly with significant limitations. The ruling Cambodian People's Party (CPP), led by Prime Minister Hun Sen, consolidated power over the last 15 years. The government has been increasingly criticized for restricting free speech, intimidating critics and constraining opposition politicians.

The UN Transitional Authority in Cambodia (UNTAC) sought to establish a democratic system of governance in the country. This endeavor reflected a peacebuilding approach centered on democratic governance as the ideal method for providing peaceful resolution of political disputes. This included the institutionalization of the electoral process, minimizing violence and establishing the foundations for economic and civil development of the state. Although not explicitly mandated to do so, UNTAC thus made an effort to grow the civil society sector in Cambodia.

- UNTAC's peacebuilding policies directly encouraged the expansion and entrenchment of civil society groups through: supporting election monitoring and human rights groups, working with international NGOs in the development sector and, most importantly, legislating reforms that enabled civil society to continue to grow.
- UNTAC also indirectly fostered the growth of NGOs by providing an enabling environment for international organizations and donors to support civil society.
- Prior to UN-led transition, there were only a handful of international NGOs operating in the country and no recorded local, independent CSOs; within 18 months there were nearly 100 local and international groups in 1996, particularly in the human rights and democratic governance sectors, and about 400 by the year 2000.
- Nurtured in the initial UNTAC years, the sharpest increase occurred over the next decade of peacebuilding with an estimated 1,129 NGOs operating by 2005. This expansion was fuelled by policies that had the creation of a Cambodian civil society as a primary or secondary policy, the increase of development financing after 1991 and the preference of donors to work through local civil society rather than the state.

*Civil society.* Cambodia experienced a systematic erosion of trust, peaceful social interaction and non-violent forms of conflict resolution during the Khmer Rouge era. However, decades later, the Cambodian government has increasingly pursued barely disguised coercive measures against civil society. Conflict between the state and civil society has taken on a number of patterns.

One discernible pattern has been of conflict between NGOs and the bureaucracy. NGOs, with their financial resources and technical expertise, have a certain degree of autonomy in determining the types, methods and locations of service delivery. To a certain extent, these NGOs have demonstrated greater accountability to donor interests over local needs. As it developed its own capacity to provide policy oversight, the state has sought to control civil society by dictating priorities and determining the sites for development efforts. Tension arises in particular when state resources and coercive ability are seen to serve the interests of individual elites. Another pattern is characterized by state-society conflict over civil and political rights. In 2011, the Cambodian government advanced legislation that required NGOs to register and enabled the government to arbitrarily order the closure of organizations. This is

part of a general trend of the government's attempts to curtail freedom of expression, assembly and association. Local human rights organizations have been targets of legal proceedings and intimidation, even violent attacks.

*Analysis of Civil Society Roles.* In the main, civil society plays a mixed role in peacebuilding. Civil society demonstrated signs of being embedded in the process: its ability to mobilize constituencies for peace and engage in transformative efforts, for instance. Civil society also plays an advocacy role, capitalizing on its power to expose injustices and endeavoring to surface conflict non-violently through the political system. In the immediate post-conflict reconstruction phase and in the long-term development phase, NGOs have gained a significant measure of autonomy from the state by developing alternative channels of support from international NGOs and official development aid.

Apart from the growing counter-measures from the state to curtail civil society's sphere of influence, the government has also sought to sponsor NGOs of their own or co-opt groups where they can. One example in the human rights sector is the long-standing attempt from both the state and civil society to establish a national human rights institution. The result so far is telling of the fractious politics around control of the "legitimate" human rights agenda: the Prime Minister's office has a human rights committee, so does the Senate; civil society has its own independent, umbrella structure. Moreover, the state and ruling party sponsor government-organized NGOs (GONGOs), registered as human rights NGOs, in an attempt to sow confusion. Civil society groups resist the state's attempts at manipulation while the state strives steadily to encroach upon independent segments of civil society.

This case exemplifies a risk in the post-conflict phase, where external actors consciously or inadvertently impose a form of politics—a liberal democracy, to be specific—more expediently than the system might allow. This is not to say that encouraging civil society to grow should be avoided altogether. The role that NGOs have made in demanding accountability from the government is an indispensable one. A great deal of attentiveness must however be paid to the rapid influx development finance and its impact on both state formation as well as civil society formation.

Foreign assistance accounts for over 50% of the government's budget. There was a strong donor response against the draft NGO law but donors have been criticized for not reacting effectively to the worsening human rights environment in the country. The World Bank did suspend provision of new loans but only after the government's failure to address problems related to corruption in a land-titling program. China, a major investor and donor, continues to increase aid without political conditionalities.

## **Comparisons**

The roles that civil society played varied in the degree to which they were embedded in peacebuilding across the cases. In the Bantay Ceasefire in Mindanao and Community Reconciliation in Timor-Leste examples, CSOs and local leaders were central to mobilizing constituencies for peace as well as direct involvement in activities like early warning, civilian monitoring and inter-positioning themselves between conflicting parties. In Timor-Leste, they played a particularly transformative role through truth telling and reintegration.

The peace processes in Aceh—and Southern Thailand for a time—was remarkably mediated by an international NGO. However, local civil society was marginalized in the peace negotiations in Aceh while they are struggling to push parties toward a peace process in Southern Thailand. Nonetheless, they played an advocacy function by promoting the idea of peace: surfacing conflict non-violently as well as persuading the public to support peace and offering alternative visions to violence. Cambodian civil society is highly embedded in peacebuilding but its role is limited to advocacy in many ways (using the power to expose, or surfacing conflict non-violently) due to its increasingly uneasy relationship with the state.

Three main factors help to explain these differences: the state's coercive vs. political approaches to the conflict; internationalization of the issue; and, the capacity of civil society to forge linkages to other peacebuilding.

What democracy does, however, is make a militarized approach to conflicts unsustainable over the long run.

*State responses.* Intuitively, civil society actors play a greater peacebuilding role in more democratic rather than more authoritarian regimes. However, this set of cases demonstrates that while civil society might generally have wider space in democracies, they can be greatly constrained in militarized areas. This is particularly evident in ethno-nationalist conflicts that are concentrated in a defined territory. The cases of the post-Marcos Philippines, post-Suharto Indonesia and Thailand exemplify this. Democratic constraints can be weak when the state's territorial integrity is at stake. External factors like the post-September 2011 legitimization of anti-terrorism can facilitate highly coercive responses. Security forces might act as a political actor in its own right and pursue distinct interests from the civilian government, as we saw in the undermining of the peace processes in Aceh and Timor-Leste.

*Internationalization.* The UN Security Council recently reaffirmed the Responsibility to Protect norm, which provides for the safety of civilians in armed conflict, from genocide, war crimes, ethnic cleansing and crimes against humanity. The success of civil society campaigns correlates with the degree to which international actors are involved in peaceful resolution.

Foreign governments may be spoilers in peace processes, particularly if they are "kin-states" to one or more groups involved in the conflict or have other political or strategic interests in escalating the conflict. Geo-political interests of global or regional powers can exacerbate violence, as seen during the Cold War or the "War on Terror." Nevertheless, the national interest of neighboring or powerful states may be compatible with finding a peaceful response to the conflict. Regions in particular will wish to maintain at least stability or will prefer to avoid conflicts spilling across the border in their own backyard.

Third party states and other inter-governmental mechanisms have normally been involved in peace processes. In Mindanao, for example, peace talks have been held under the auspices of the Organization of Islamic Cooperation (OIC) as well as individual governments, Malaysia in particular. In Southern Thailand, peace talks with separatists have taken place inside and outside Thailand since the 1980s. The Malaysian government and the OIC have likewise made attempts to facilitate the dialogue process. However, some governments would prefer to avoid officially internationalizing peace talks thus giving a role to NGO mediators.

As a regional organization, ASEAN is slowly becoming a viable actor in mediation and conflict resolution. The body can build on previous experience from its role as peace guarantor in the Cambodian conflict, participation in Timor-Leste peacekeeping and facilitator of humanitarian assistance for Myanmar in the aftermath of the 2008 Cyclone Nargis. However, institutional change still needs to take root: the impact of idiosyncrasies like an active chairmanship and a reformist secretary-general cannot be discounted. Even if a potential ASEAN engagement can be envisioned, ASEAN tends to be a by-stander when confronted with highly contentious and sensitive conflicts erupt.

*Capacity for linking.* The Philippines and Timor-Leste have shown a high capacity for intra-civil society linking: within local communities, with national groups in the capital, with regional NGOs as well as international NGOs. As such, they are able to draw on multiple resources that support their work and allow them to gain traction in peacebuilding processes. This ability may have a potentially high impact when constituencies throughout the country are working together in consonance. In the former, Mindanao-based civil society had support from NGOs in Manila. In the latter, efforts of NGOs in Timor-Leste were reinforced by those in Jakarta and elsewhere in Indonesia even prior to independence. In contrast, the lack of strong public opinion throughout the rest of Indonesia in favor of a non-violent resolution of the Aceh conflict

exacerbated weakness in Acehese civil society.

A number of CSO regional initiatives have sprung up precisely to provide “solidarity” to causes that might otherwise not have any international hearing. Self-determination struggles have been brought to the surface by regional and international NGOs despite foreign governments looking the other way or media indifference. For example, the Asia-Pacific Coalition for East Timor (APCET), created in 1994, coordinated initiatives of various local and national groups, based in the region. A number of international NGOs sought to draw attention to the situation over two decades. In contrast, the conflict in Southern Thailand has received sporadic attention. Local civil society leaders are constrained from, or unable to, develop sustained linkages upward and outwards. The peacebuilding dialogues that have recently gained momentum are a step in the right direction. Moreover, the Asia-Pacific Solidarity Coalition—an offshoot of APCET and the Global Partnership for the Prevention of Armed Conflict (GPPAC)—have started to develop solidarity strategies that bring the Southern Thailand peace issues to the fore.

## Recommendations

Working with civil society is indispensable to peacebuilding efforts in Myanmar. However, peacebuilding efforts are complicated by the multiplicity of actors, the relative isolation of the country and the uncertain impact that democratization might have on inter-ethnic politics—among a very long list of concerns. Based on this sample of varied but relevant experiences in Southeast Asia, a number of recommendations are made to launch discussion.

*Develop an operational conflict analysis.* Before all else, peacebuilders need to develop an operational conflict analysis, with enough depth to anticipate potential consequences of any program intervention. The country is a system of different moving parts that will react to both internal and external changes. As we saw in the case of Aceh, supporting civil society participation in an “all inclusive dialogue” and at some stages of mediation had the unintended consequence of politicizing them, making them in turn vulnerable to military targeting. A good conflict analysis will not wholly prevent negative consequences, but it may reveal key leverage points that can reinforce and amplify peacebuilding opportunities.

Another example of unintended consequences involves donor financing. Developments in Myanmar over the last few years have generated much excitement at the prospect of democratization in the country. In the aftermath of Cyclone Nargis humanitarian relief, NGOs and other civil society actors have mushroomed across the country. The increase in financial assistance both from official donors and international NGOs, as well as private investment, has inundated the country and tested the absorptive capacity of civil society.

Resources are needed to support democratization and conflict prevention in the country, but a sudden upsurge of financial and material resources has potential detrimental effects. Where economies are devastated by conflict, the sudden arrival of the international community can cause large-scale economic distortions—affecting civil society groups as well. A range of approaches from adopting “do no harm” principles to active pursuit of donor coordination could mitigate unintended effects.

*Reinforce the discourse for peace in militarized situations.* Even under highly repressive circumstances, the cases demonstrate how elements of civil society persist in mobilizing constituencies for peace. These actions entail great personal risk. Public participation and overt activation of society is part and parcel of most of today’s peacebuilding activities—however, if basic security is highly uncertain, eliciting visible forms of participation must be carefully considered. Civil society efforts under difficult, militarized conditions can be best supported through encouraging combatants toward political, rather than violent, solutions to the conflict. If conflicting parties refuse civil society any meaningful space in peace processes, CSOs may still help to expand consensus in society for a non-violent approach.

*Support intra-civil society linkages.* The ability to sustain multiple linkages has a positive impact on civil society resilience throughout cycles of violence. Any effort for Myanmar should include CSOs that are outside urban centers, those that do not speak English, registered and unregistered organizations, and sectors such as women and youth. A specific effort needs to be made to assist exile and border NGOs as they re-define their role in a changing political landscape. The increased access to the country that they and other foreign activists now enjoy is an encouraging sign. Many of these individuals and groups have a lot of experience and capacity to share with their counterparts inside the country. They may also be more critical of the rapid democratization process, bridging internal-external perceptions.

There are also a number of regional civil society associations and processes that support capacity building. Experience-sharing helps to build capacity. For instance, the Mindanao Peaceweavers—the broadest peacebuilding civil society network of networks in and for Mindanao—developed a Mindanao Peoples’ Peace Agenda that galvanized the strategic aspirations, concerns and policy recommendations of civil society for peace. CSOs in Myanmar and Southern Thailand are trying to adapt this process and experience in their context as an entry point in actively participating in the peace process. Women ethnic leaders currently play a key role in peacebuilding processes in Myanmar.

*Enable Myanmar civil society to access ASEAN entry-points.* ASEAN has played an important role in convening political discussion, buffering member states’ sensitivities and finding ways around the once rigid principle of non-interference. ASEAN is advancing a political-security community in the region, which includes conflict prevention, confidence building, preventive diplomacy and post-conflict peacebuilding. The ASEAN Inter-governmental Commission for Human Rights, established in 2009, is the only official regional human rights institution in Asia. A new ASEAN initiative to establish an Asian Institute of Peace and Reconciliation (AIPR) is expected to provide fresh access for civil society participation in ASEAN mechanisms.

Strategically, a democratizing Myanmar has much to gain from integrating further in Southeast Asia. Its affinity to ASEAN allows Myanmar to strengthen its autonomy from neighboring powers like China and India. While ASEAN has a better-defined role for regional peacebuilding, there are still many reasons to be cautious. Although there is much active peacemaking in Southeast Asian internal conflicts involving bilateral actors and civil society, ASEAN’s preventive diplomacy doctrine excludes NGOs from an explicit role in preventive diplomacy. These rigidities need to be loosened and expanded beyond the inter-governmental sphere.

*Foster Asia-Europe exchanges for peacebuilding.* In addition to the EU’s suite of peacebuilding tools, a series of Asia-Europe Roundtables on conflict management has continually highlighted potential areas for cooperation. One key example relevant to Myanmar is developing capacity for early warning and response mechanisms, particularly in situations of ethnic conflict. The OSCE, with its High Commissioner for National Minorities, could be a natural ally and resource in such an endeavor.

The opening up of Myanmar to new initiatives brings with it a number of attendant risks. Southeast Asia a source of rich experiences—both successes and failures—from which Myanmar can draw important lessons. Southeast Asia is also an active regional community prepared to continue supporting democratization and peacebuilding in Myanmar.

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## **Annex**

### **Civil Society Roles in Peacebuilding**

Peacebuilding within larger society, promoting the ideas that can sustain peace largely through advocacy

- Waging conflict constructively – civil society activists can play crucial roles by nonviolently surfacing conflict to promote change in deeply oppressive societies, often using institutional and legal challenges or promoting public awareness;
- Effecting social change – civil society activists manifest both the “power to resist” and the “power to expose” oppression, as well as the “power to persuade”;
- Shifting conflict attitudes – grassroots peacebuilders can promote people-to-people dialogue across the conflict divides to shift entrenched conflict dynamics; and,
- Envisioning a better future – civil society actors can identify and analyze overlooked problems and policy gaps, as well as mobilize advocacy to generate political will to achieve desired results.

Peacebuilding with conflicting parties, participation and involvement in peacemaking

- Mobilizing constituencies for peace – civil society actors may challenge justifications for armed conflict by demonstrating that the public supports peaceful alternatives, bridging local with international groups;
- Promoting security – civil society often plays a critical role in: (1) early warning and early response; (2) civilian monitoring of peace processes as credible, non-partisan or multi-partisan representatives of non-combatants’ interests; (3) civilian peacekeeping through such activities as inter-positioning themselves between opposing forces to prevent violence, protective accompaniment;
- Making peace – peace processes are no longer exclusive to officials and leaders of armed groups as civil society peacemaking initiatives since the 1990s demonstrate that they can contribute to: (1) back channel communications and unofficial dialogue; (2) mediation and facilitation of peace negotiations; (3) public participation in peace negotiations particularly aimed at reaching comprehensive agreement on new state structures; (4) consolidating peace agreements through public ownership and support; (5) community-led peacemaking at the local level even when national-level peace processes may be stalled; and,
- Transforming the causes and consequences of conflict – CSOs play a role in (1) promoting structural transformation to address root causes of armed conflict; (2) demilitarizing minds, healing psyches and fostering reconciliation e.g. through truth-telling processes and cultural traditions of conflict resolution; (3) disarmament, demobilization and reintegration by involving local civil society actors and framing DDR as part of community needs (thereby increasing its chance of success); (4) transforming values and cultures – particularly through education for peace.

Adapted from:

Catherine Barnes, *Agents for Change: Civil Society Roles in Preventing Wars & Building Peace*, The Hague: Global Partnership for the Prevention of Armed Conflict, 2006.