

Policy Brief 3

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Addressing Internal Conflicts and Cross-Border Governance

The persistence of intra-state conflicts is the most critical factor negatively affecting political, social and economic progress in Asia. Conflicts, political fragmentation and violence are impeding an effective exercise of political power to maintain political legitimacy, formulate and implement effective public policies, and promote people-centered development. Often they create a vicious cycle of fractured communities, political instability and poverty. Small wonder, the countries with protracted internal conflicts have extended and complex political transition processes such as Afghanistan, Nepal, Pakistan, Cambodia and Sri Lanka. Internal conflicts also affect regional peace and regional security because most of these conflicts have cross-border dimensions, including the recruitment of insurgents, “safe heaven” for insurgents and refugees from the civil war in a neighboring state. Solution to these challenges require transnational information exchange, dialogue and coordination mechanisms. Cross-border governance dimensions also include such issues as human trafficking, infectious disease surveillance and response, cross-boundary water management and illegal migration which require regional solutions.

This Policy Brief discusses key issues, practices and trends in Asia related to the impact of internal conflicts and cross-border governance on political transitions and democratic consolidations. We recognize that there are wide variations in the political context, level of economic development, population size, and ethnic and cultural homogeneity of the Asian countries. Therefore, we give country examples to substantiate the issues discussed. The Policy Brief draws heavily on discussions during the recent UNDP Workshop on Political Transitions and Cross-Border Governance and the East-West Center/UNDP collaborative project on Cross-Border Governance in Asia.

Democratic institutions that provide effective mechanisms for citizen participation are conducive to coping with intrastate conflicts and cross-border cooperation. Dispute resolution has been recognized as a key process differentiating political systems and indicative of institutional development and popular trust. Transparency, in both the clarity of process and the comprehension of laws and procedures and the openness of the process to scrutiny, is also important in promoting trust in institutions and thus conflict resolution. Often a “winner take all” attitude is an impediment poisoning politics at all levels. When this is seen in post-autocratic systems or where there has been ethnic or religious conflict, this attitude may best addressed by democratic systems where success requires bargaining, compromise, and accommodation. While true at all levels of government, it may be most critical at local levels.

Four recent important political transitions in Asia show the significance of democratic institutions in conflict resolution and cross-border cooperation. Ashraf Ghani was inaugurated as president of Afghanistan in 2014. During the same year,, Susilo Bambang Yudhoyono was the first directly elected president of Indonesia to hand over power to a democratically chosen successor, Joko Widodo. Then, in 2015, in Sri Lanka, at the ballot box, Maithripala Sirisena defeated Mahinda Rajapaksa. The outgoing Sri Lankan president, who had been victorious on the battlefield and only months earlier had looked all powerful, promptly vacated his office and peacefully handed over power. Finally, for the first time in

Pakistan's turbulent political history, an elected civilian government led by Prime Minister Nawaz Sharif peacefully replaced another civilian government. There is greater cross-border cooperation between Afghanistan and Pakistan today than in the past one decade. Indonesia, with Jokowi's victory, seems to have finally emerged from the shadow of a long period of authoritarian rule. Indonesia and Sri Lanka have well-established democratic processes, with relatively greater ethnic harmony. All political stakeholders in Pakistan have unanimously decided to support military action against the Taliban and sectarian militant groups. Politicians frequently possess exaggerated fears concerning opening up political systems. The general reality, however, is that leaders who open political access strengthen their legitimacy and the ability to resolve intrastate conflicts.

The absence of transparency, lack of downward accountability and corruption lead to declining citizen trust in government institutions and thereby their inability to resolve intrastate conflicts and promote cross-border cooperation. Often this is best addressed by devolving powers to sub-national and local levels as has been done in Indonesia and Pakistan. Elected local councils allowed to maintain resources for a significant period of time can avoid capture by the political elites and significantly reduce inequality and poverty which are conducive to conflict resolution and harmony among warring groups. (Manor, 2013). Democratic decentralization, as well as local access to development funds, is crucial. Accountable and transparent government and civic education create a conducive environment for the engagement of competing groups to resolve intrastate conflicts.

Regional security concerns including conventional military threats and territorial claims make it more difficult for governments to resolve intrastate conflicts and promote cross-border cooperation. Military build-ups such as in Indonesia, Pakistan and Thailand and cross-border refugees driven by localized terrorism such as from Afghanistan make political transition more complex. The four-fold budget increase for the Indonesian air force over the past ten years is seen as an example of military build-up and regional "arms race." The loss to the Pakistani economy resulting from the counter-insurgency spending and the "war on terrorism" has been estimated to be over 60 billion dollars over the past 15 years while a military spending continue to constitute a major portion of national budget. The role of the military in the context of military threats and territorial claims is a double-edged sword. On the one hand, the military has to play a central role in meeting internal and external security threats. On the other, the military can constrain the consolidation of democracy through its role in political and economic activities. One of the good examples is the transition of the military in Indonesia under the new order under which the military has largely disengaged itself from economic activities.

Contextualization, information sharing, coordination and dialogue are foundations of effective responses to intrastate conflicts and cross-border governance (McNally 2010). Given the magnitude of socio-economic and political diversities in the region, successful cross-border governance mechanisms have to be adaptable to specific country context. Quality and dissemination of data about human trafficking and infectious disease surveillance, for example, are conducive to effective regional action. Similarly, coordination of national actions through such regional organizations as ASEAN and SAARC facilitate cross-border governance including internal conflicts with transnational dimensions. Other elements of regional coordination include engagement of different stakeholders and cross-border legal frameworks and regulatory structures. Regional dialogues through government and non-governmental mechanisms are essential to reconcile national priorities and regional implications. It enhances the understanding of points of view of competing groups and can increase trust. The significance of these dimensions is indicated by positive results dealing with human trafficking in Southeast Asia and cross-boundary water management through Indus Basin Agreements between India and Pakistan.

Modalities of building trust in the process of transition and their effectiveness varies from one country to another. As the case of the Philippines shows implementation and impact of “truth and reconciliation” process can be uneven. In the case of Myanmar, it is often argued that the military has used the transition process as an instrument to gain its own political and economic objectives. The case of Nepal shows that a common enemy can serve as a form of trust building among groups competing for political power which is not sustainable in the absence of the common enemy. The recognition of ethnic plurality and democratic compact among groups are essential to promote trust. Other factors that can promote trust in fractured communities are effective delivery of basic services to citizens, mechanisms for participation and accountability, leadership and communication, sustainable livelihoods, and investment in marginalized groups. In practice, building trust in transitional societies takes a long time but it can be lost quickly. While the role of the external development partners is trust building in transitional societies is desirable, the donor community should be willing to critically assess the government’s narrative and should ensure that the global norms and standards related to minority rights are recognized. Communications in all directions between all participants leading to multiple dialogues is critical to success in supporting the transition process. It is also important that, even in the absence of trust between various participants, positive outcomes for all participants may be achieved by developing trust in the process.

Increase in migration and the number of refugees within Asia has created an urgent need for cross-border cooperation among the sending and receiving countries, including in policies, institutions, laws and the civil society engagement. Refugees and illegal immigrants are especially prone to economic, social and political barriers which limit their ability to take advantage of social safety nets (Hogo, 2010). The Philippines, Indonesia, Sri Lanka and Bangladesh are the main source countries for migration within the region. In addition to the Middle East, East Asian and Southeast Asian countries such as Japan, Korea and Singapore too are receiving countries. More than half of refugees in the region are from Afghanistan. Others are from Indo-China, Sri Lanka, and Myanmar. Several aspects of cross-border governance mechanisms are conducive to “managed migration” that can contribute to socio-economic development in the sending countries but also provide mechanisms for reducing vulnerability of migrants and refugees. These include cross-border procedures and institutions to protect refugees such as Thailand’s legal aid centers, registration of refugees such as in Pakistan, advocacy by civil society and UN entities for national legislation to protect refugees and expanding the role of civil society and media in highlighting the plight of refugees. Though the need for cross-border governance is widely recognized, in practice the issues of domestic politics and sovereignty continue to dominate unilateral government responses. This requires more robust regulatory regional governance mechanisms and networks to fully utilize migration’s benefits and cope with vulnerability of refugees.

Effective cross-border governance in Asia is needed to cope with human trafficking . Asia is the most vulnerable region for human trafficking, with women and girls being particularly vulnerable. Governments and civil society are taking initiatives to raise awareness, reduce vulnerability, and control illegal migration. They are also exchanging information, coordinating legal actions and building institutional capacity. There are many regional mechanisms to fight human trafficking. The UN Economic Commission for Asia and the Pacific (UNESCAP) is supporting regional cooperation to combat human trafficking. Other entities dealing with human trafficking in the region include The ASEAN Directors-General for Immigration Departments and Heads of the Consular Divisions of the Ministries of Foreign Affairs, ASEAN Chiefs of Police, the Coordinated Mekong Ministerial Initiative Against Trafficking, and the Pacific Islands Forum. The 2002 Ministerial Conference on People Smuggling, Trafficking in Persons and Related Translated Crime held in Bali gave regional priority to human trafficking. About half of ASEAN + 3 Countries have ratified the ASEAN Declaration Against Trafficking in Persons. Civil society

organizations been playing an important role in combating human trafficking including the Coalition Against Trafficking in Women (CATW), and the Coalition to Fight Against Child Exploitation (FACE).. Despite the above regional mechanisms, effective responses to human trafficking have been constrained by lack of understanding about trafficking within and between countries, the public sector corruption and complicity in trafficking, low capacity for cross-border cooperation, lack of adequate coordination among the government agencies within the country, and lack of recognition of the need for victim support (Caballero-Anthony, 2011). The Council for Security and Cooperation in Asia-Pacific (CSCAP) has made four recommendations to deal with the above barriers: the establishment of standard operating procedures to give special support to victims of human trafficking; a regional campaign through ASEAN and regional NGOs for public awareness; education modules for schools; and strengthened partnership between government and NGOs.

Epidemic and infectious disease surveillance and response also require cross-border governance mechanisms. Effective cross-border health governance needs collaboration among government and non-government entities not only within the countries but within the region and globally. Rapid increases in the movement of people, animals, and goods and inadequate health services in some of the countries have increased vulnerability to infectious diseases such as avian influenza and HIV-AIDS. Rapid identification of the scale of the infectious disease, monitoring, information sharing and quick response within and among the affected countries are essential to cope with the crisis. These tasks often overwhelm capacity of the state for detection and provide human and material support. Equally important is the need for effective mechanisms for regional cooperation to cope with epidemic and infectious diseases. One innovative example of sub-regional cooperation and transnational governance is the Mekong Basin Disease Surveillance (MBDS) Network. It serves as a bridge between national health authorities and regional and global health governance. It began in 1999 with health ministers from six MBDS countries and specialists and health professionals to share information and strengthen capacity to control infectious diseases. The Rockefeller Foundation supported the initial set of activities dealing with cross-border information exchange, training health workers and planning for joint actions. Through a Memorandum of Understanding between the health ministers of the six MBDS countries first in 2001 and then in 2007, the activities of the network were expanded. Between 2008 – 2013, the Network focused on expanding cross-border cooperation, community based surveillance of human-animal sector interface, epidemiology capacity, ICT capacity, laboratory and risk communication capacity and applied policy research (Long, 2011).

UNDP can play an important role in strengthening capacity of governments and civil society in the region to respond to challenges of internal conflicts and cross-border governance. UNDP's value added to play this role includes its mandate as the development organization of the UN system, its network of country offices, its ability to access expertise and experiences through its regional offices and policy centers and its neutrality as the trusted development partner. With rapid globalization, cross-border governance issues have become increasingly important requiring additional attention. UNDP can create opportunities for inclusive dialogue where people from various sectors may attempt to influence developing policy; address those issues which cannot be adequately addressed at the country level such as human trafficking and cross-boundary water management; and support the processes of political transitions at the country level. UNDP can also advocate for redirecting funds from arms to social sectors including health and education; work at local levels in conflict prevention by researching root causes of conflicts and advocating for youth and gender-equality issues; and improve its synergy with other elements of the UN system on issues such as security. UNDP supported regional initiatives should be more closely linked with regional entities such as the Association of Southeast Asian Nations (ASEAN), South Asian Association for Regional Cooperation (SAARC) and the Pacific Forum Secretariat

Forum. UNDP faces situations where it is expected to advocate for UN standards in the face of countries pursuing more pragmatic paths. UNDP can serve as the facilitator or convener or be involved through trainings without compromising UNDP principles. The UNDP Asia-Pacific Regional Centre and UNDP country offices complement each other in support of the UNDP's overall cooperation related to emerging issues and trends in internal conflicts and cross – border governance discussed in the Policy Brief.

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