



# The ASEAN Regional Forum at 25: Moving Forward or Still Standing?

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By  
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## **Pacific Forum**

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## EXECUTIVE SUMMARY

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The multinational ASEAN Regional Forum (ARF) celebrates its golden anniversary this year. Since its inception in 1994, it has been instrumental in bringing together 27 countries and participants from Asia, Australasia, North America, and Europe – participants that have sometimes conflicting strategic and political interests – to collaborate on a common platform for dialogue and consultation. Generally speaking, its members have avoided direct conflict with one another despite overlapping territorial claims and other historic disputes. If it did not exist, attempts would be made to create it today, and these would likely prove difficult, if not impossible.

Few dispute that the ARF, through its deliberations and annual ministerials, has helped to build confidence among its diverse membership. By most standards of measurement, the ARF must be deemed a success. Unfortunately, if one uses the standard of measurement outlined by the ARF itself in its 1995 Concept Paper, it falls far short of its own self-professed goals.

The Concept Paper prescribed a “gradual evolutionary approach” to manage regional security challenges. It was to promote confidence building measures (CBMs) in the first stage, develop preventive diplomacy (PD) mechanisms in the second stage, and construct conflict resolution (CR) mechanisms in the third stage.

While engagement for mutual benefit has occurred in several important areas, the ARF has not been able to make much headway in the latter two core tasks assigned itself. Despite much effort, the ARF has not been able to proceed beyond the CBM stage. This report suggests some reasons for this. Similarly, the ARF has been able to accept very few of the recommendations of others, such as the non-governmental track two Council for Security Cooperation in the Asia Pacific (CSCAP) and its own Experts and Eminent Persons Group (EEPG), that have charted a course forward toward PD/CR.

ARF member countries have in many instances sought to voluntarily resolve both inter-state as well as internal conflicts through outside mediation – the classic definition of preventive diplomacy – but this has always taken place outside the framework of the ARF. This report highlights a number of them in order to draw some lessons learned. It also examines the prior work of the EEPG and provides some alternative future courses of action in order to make its contribution more meaningful. The authors, as longtime members of the EEPG, seek to enhance its relevance and effectiveness by sustaining the practice of organizing Virtual Working Groups between annual meetings and through promoting closer engagement between the EEPs and other regional institutions.

Most importantly, this report proposes several options for the ARF to consider regarding pursuit of its PD/CR stated objective. One option is to continue pursuing the CBM/PD/CR agenda but with redoubled efforts to implement some of the recommendations that have already been submitted but that have not been implemented. If continued difficulties (which we identify primarily as a lack of political will) prevent the ARF from moving forward on the PD/CR agenda, a second option is for the ARF to consider shifting from emphasis on a *preventive diplomacy/conflict resolution* agenda to emphasis on a more inclusive *security cooperation* agenda. The shift should be portrayed as an advancement of the mission of the ARF after 25 years of constructive engagement and should be seamless because the ARF has already been engaged in many areas of security cooperation.

If the first option is chosen, the ARF should redouble its efforts to move down the path toward PD/CR, beginning with a serious review of the recommendations provided by CSCAP, the EEPG, and an ARF-funded 2008 *PD Study* and develop a timeline for near-, mid-, and long-term steps to accomplish this goal. The steps could include: the development of an early warning capability, better utilization of the EEPs and a clearer definition of their role, closer coordination between the EEPG and ASEAN Institute for Peace and Reconciliation (A-IPR), and transitioning from a “pace comfortable to all members on the basis of consensus” to “a pace comfortable to none” where full consensus is only required for the most sensitive issues. Many of these recommendations are spelled out in more detail in this report.

If instead the ARF decides to shift its emphasis to promoting more inclusive security cooperation, it should use the occasion of its 25<sup>th</sup> anniversary to adjust its mission to be “a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security, and to promote cooperation in the diverse fields of comprehensive security.” This will entail a small but significant and positive amendment to the stated mission of the ARF.

If this option is chosen, ARF ministers would recognize PD/CR as primarily the work of the countries of the region, as is the practice at present. It should, however, continue to monitor developments in the PD/CR field and provide all support and encouragement, as well as explore specific PD initiatives such as election monitoring and peacekeeping, as activities within the ambit of security cooperation.

Regardless of the path chosen, the ARF should recognize that preventive diplomacy is applicable to both inter-state as well as intra-state security conflicts and disputes, even while confirming that third party assistance to address internal conflicts will only be at the invitation of the state concerned.

Alternatively, the ARF ministers can elect to continue to pursue business as usual, paying lip service to the expanded PD/CR goals. This would disappoint the founders, who noted in the original Concept Paper that, “if the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges.”

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# CHAPTER 1

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## **The ASEAN Regional Forum at 25: Moving Forward or Standing Still?**

By Ralph A. Cossa and Paul Evans

### **Background**

The Association of Southeast Asian Nations (ASEAN) was the driving force behind the creation in 1994 of the ASEAN Regional Forum (ARF) and remains in the driver's seat today. ASEAN itself was established in 1967 in Bangkok with the signing of the ASEAN Declaration (Bangkok Declaration). By 1999, it had grown to encompass all 10 Southeast Asian states. Its aims include to accelerate the economic growth, social progress and cultural development, and to promote regional peace and stability through abiding respect for justice and the rule of law.

The ARF provides a useful vehicle for security discussions between ASEAN, its 10 dialogue partners, and other key Northeast and South Asia players, with 27 members in all. Membership details are spelled out in chapter two.

It was and remains an ambitious project in regional security cooperation. The ARF Concept Paper adopted in July 1995 outlines three key challenges for the ARF: carefully manage the significant shifts in power relations that accompany rapid economic growth, forge a consensual approach to security issues, and defuse potential problems and conflicts that could arise from the residue of unresolved territorial and other differences that exist in the region.

The Concept Paper further prescribed a gradual evolutionary approach to manage these challenges: promote confidence building measures in the first stage, develop preventive diplomacy mechanisms in the second stage, and construct conflict resolution mechanisms in the third stage. The third stage was later renamed "elaboration of approaches to conflicts."

Through its various working groups (called Inter-Sessional Support Meetings or ISMs) and its quasi-official Experts and Eminent Persons Group (EEPG), the ARF has contributed much toward promoting dialogue, enriching knowledge and expertise, and building networks among officials and experts across countries.

In the area of confidence building measures (CBMs) and preventive diplomacy (PD), the ARF produced the "The Concept and Principles of Preventive Diplomacy" in 2001. The document outlined how PD is defined and understood by the ARF and spelled out the key principles that guide its application. It formed the basis of the ARF's Preventive Diplomacy Work Plan produced in 2011. The Work Plan is a work in progress as the ARF strives to find the necessary consensus among its participants to move ahead on the CBM, PD, and conflict resolution (CR) agenda.

The third significant step taken by the ARF has been through its EEPG, which, in July 2012, dispatched an EEP Observer Team to join the various international observer teams monitoring Timor-Leste's first democratic elections. In chapter two of this report, Ralph Cossa provides a more detailed study of the role and contribution of the ARF, which also highlights key recommendations made by the EEPs and by the multinational, non-governmental (track two) Council for Security Cooperation in the Asia Pacific (CSCAP). It also summarizes some of the key recommendations



contained in an ARF-sponsored 2008 *Study of Best Practices and Lessons Learnt by Selected International and Regional Organizations in Preventive Diplomacy*.” In chapter three, Paul Evans hones in specifically on the role and contributions of the EEPs. He outlines findings and recommendations from EEP meetings since 2009, and assesses that progress has been “limited, incremental and almost always behind ideas generated by other processes or actual state practice.” He further identifies EEPG internal weaknesses and strengths, while laying out a series of options for the EEPG’s future.

It is quite clear that the ARF’s many activities since its inception have successfully helped foster sustained and substantive security engagement among a large number of countries with markedly different political ideologies and strategic interests. ARF participants straddle both sides of the northern hemisphere of the Pacific, Southeast Asia, Australasia, the Indian sub-continent and Europe. This in itself is an accomplishment that cannot be underestimated. It is equally clear though, that as an institution, the ARF’s contribution to and capacity for concrete conflict management is still at an early stage, even after 25 years.

### **CBM, PD and CR measures implemented by ARF countries outside the ARF framework**

All countries in the Asia-Pacific region have been exposed to opportunities for sustained confidence-building in the ARF. The countries that are also members of ASEAN and its ASEAN Defense Ministers Meeting (ADMM, involving all ASEAN defense ministers); ASEAN itself and the ARF (primarily involving foreign ministries) and ADMM Plus (involving defense ministers from ASEAN plus Australia, China, India, the Japan, Republic of Korea, New Zealand, Russia, and the United States) have had additional experience in confidence building in these forums. ASEAN in particular has been extremely useful, and has engaged in PD as well with China on the South China Sea issue. It has also established the ASEAN Institute for Peace and Reconciliation (A-IPR) to conduct research and build capacity on conflict management and conflict resolution.

It is outside these forums, however, that many of the countries of the region have moved beyond CBMs to PD and CR in substantial ways. Progress has been more tangible among some countries and with respect to some security challenges than others. A number of examples are cataloged in chapter two. The best and most successful example was in Aceh, Indonesia where outside mediation helped broker a peace agreement between the Indonesian government and an Aceh separatist group in 2005. A more recent example involved Timor-Leste and Australia which, in March 2018, signed a Maritime Boundaries Treaty delimiting their maritime boundary in the Timor Sea after international conciliation proceedings. Individual members of ASEAN have also sought third-party mediation to settle boundary disputes, including from the Permanent Court of Arbitration (Malaysia-Singapore), the International Court of Justice (Cambodia-Thailand, Malaysia-Singapore, Indonesia-Malaysia) and the Permanent Court of Arbitration (Philippines and China).

The following observations can be derived from a review of these case studies as well as from other regional conflict management experiences:

- *The Asia Pacific region has extensive experience in the use of preventive diplomacy.* ASEAN itself is a prime example. It embraces in close and common cause states large and small, transcends ideological

differences that are still sharply divisive elsewhere, and brings together countries that have a history of conflict and still extant disputes.

- *Preventive diplomacy was applied to internal conflicts as well and was not confined to inter-state disputes only as defined by the ARF.* The internal conflicts where PD was exercised at the request of all parties to the disputes include those in Aceh, Southern Thailand, Southern Mindanao, Timor-Leste, Bougainville, and the Solomon Islands.
- *Regional states are not averse to external third party mediation and facilitation in their internal conflicts although they strongly uphold the principle of noninterference.* The indispensable precondition for an external role is that it must be at the invitation of the state or parties concerned. The experiences in Aceh, Southern Thailand, Southern Philippines, and the Pacific Islands attest to this principle.
- *An external role in preventive diplomacy activities such as peacekeeping and peacebuilding is likely to be more acceptable and recognized as legitimate by the domestic constituency when it is identified with a credible international organization such as the United Nations or a regional institution.*
- *Sustained political will, genuine commitment to resolve differences through peaceful negotiations, and a willingness to recognize and address mutual concerns on the part of all parties to a conflict are essential ingredients of successful peaceful resolution of conflicts.* Political will often has to be sustained over many years despite changes in administration or government because negotiated settlement can be a long process. Engaging in dialogue without any real desire to recognize and address the legitimate security concerns of others may suggest a lack of real interest in a peaceful political settlement.
- *A third party (including a regional institution) that is contemplating a mediating or facilitating role must be prepared to invest a substantial amount of time and resources to the effort.* More complex peacekeeping and peacebuilding missions, such as that in Timor-Leste, will entail a multinational effort under authorization from the United Nations or a regional organization.
- *ARF countries that are seeking legal recourse for the resolution of their inter-state and maritime disputes have a credible and tested option in the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS).*

## **Lessons and implications for the role of the ARF**

The ARF is making a significant contribution to regional security engagement by bringing together countries with differing political ideologies, sometimes conflicting strategic interests, and unresolved inter-state rivalries and conflicts on a common platform for cooperation. Far from being a mere talk shop, engagement has yielded significant knowledge-sharing, capacity-building, and cooperation in such diverse fields as maritime security, disaster relief, nuclear nonproliferation and disarmament, counterterrorism, transnational crime, drug trafficking, counterpiracy, international migration, peacekeeping, security of information and communications technology (ICT Security), and risk mitigation.

Yet the ARF has not been able to make much headway beyond basic CBMs in the last 25 years. The more tangible advances in CBMs, PD, and CR – and there have been quite a few – have all been made by the countries in the region outside the framework of the ARF.

Three factors explain the ARF's difficulty with fulfilling its preventive diplomacy role:

- Unlike the European Union whose members are largely like-minded and who share a common security culture and interests buttressed by the North Atlantic Treaty Organization (NATO), several countries in the ARF see each other as rivals and adversaries. Their competition and rivalry has increased in the last two decades. Sometimes they aggravate the security problems in the Asia-Pacific region rather than alleviate them.
- Many members of the ARF are reluctant to “internationalize” the issues they are involved in by inviting a large body like the ARF to help manage their problems. In any case, sub-regional bodies like ASEAN and the Pacific Islands Forum (PIF) are more directly responsible for peace and security in their respective domains.
- When states do feel moved to proceed beyond bilateral negotiations to seek third party assistance for inter-state and maritime disputes, they believe they have credible, professional, and trusted options in institutions such as the ICJ, ITLOS and the Permanent Court of Arbitration. Countries that experience protracted internal conflict can have recourse to experienced nongovernment mediation and conciliation bodies such as PACTA Finland and the Henry Dunant Centre for Humanitarian Dialogue. They also have the option of seeking the help of countries that enjoy the trust of the other parties to the dispute as well.

That the ARF has not been able to progress sufficiently in the field of conflict management should be cause for concern. At the same time, it has to be recognized that no other regional security cooperation enterprise of the same genre has been entrusted with such an explicitly structured and detailed CBM/PD/CR agenda. Even ASEAN, the ARF's “driver,” does not have such an explicit conflict resolution agenda. Indeed, the ARF is only a forum, not even an association with a charter and a legal personality like ASEAN, and it is led by foreign ministers, not heads of state or government.

## **Recommendations**

After its 25 years of existence, ARF participants may wish to review some options or alternatives in charting its future course.

One option is to redouble its efforts to move seriously in the direction of PD/CR. If the ARF elects to do so, a good place to begin would be with the near-, mid-, and long-term timeline recommendations outlined in the 2008 *PD Study*. Chapter two also provides a long list of actions that the ARF could take to more fully embrace the PD mission, including: the development of an early warning capability, better utilization of the EEPs and a clearer definition of their role,

closer coordination between the EEPG and A-IPR, and transitioning from a pace comfortable to every member on every issue to a pace set by a strong majority with full consensus only required on the most sensitive issues.

One approach would be for ASEAN to lead the way. For PD to succeed, there must be mutual trust, which simply does not exist among many of the non-ASEAN ARF members. Perhaps it would be better to encourage ASEAN to develop the essential PD mechanisms first in the hope that this could then be expanded to include ARF members at a later date. The creation of the ASEAN Institute for Peace and Reconciliation could be an important step in this direction.

Alternatively, the ARF could choose to loosen itself from pursuing a phased CBM/PD/CR agenda that it has found very difficult to implement and move towards cooperating on a broader field of comprehensive security. This could be done by *a shift from emphasis on a preventive diplomacy/conflict resolution agenda to emphasis on a security cooperation agenda*. The shift can be projected positively as an advancement or progression of the mission of the ARF after 25 years of constructive activity.

This will require fine-tuning the stated mission of the ARF. At present, the stated goal of the ARF based on its Concept Paper (as contained in the Chairman's Statement of the Second ASEAN Regional Forum Ministerial Meeting on Aug. 1, 1995) is to serve as "a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security." The "method and approach" is to "be evolutionary, taking place in three broad stages, namely the promotion of confidence building, development of preventive diplomacy, and elaboration of approaches to conflicts."

The ARF's stated purpose could instead be expressed, with minimum amendment, as "to be a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security, *and to promote cooperation in the diverse fields of comprehensive security*." In this regard, it should be noted that the ARF recognized "the concept of comprehensive security" at the Second Ministerial Meeting.

We would argue that all of the existing activities of the ARF and its supporting bodies are in fact already more appropriately viewed as *security cooperation* activities rather than *CBM/PD/CR* activities. The activities can therefore continue unaffected. They include the existing ISMs on Maritime Security, Humanitarian Assistance and Disaster Relief (HA/DR), Counterterrorism and Transnational Crime, Nonproliferation and Disarmament, and ICT Security. In addressing these challenges, the ISMs could also examine and identify issues that lend themselves to outside mediation from the ARF or others where relevant and implementable. In short, a discussion of PD/CR should be an integral part of each ISM's discussion.

The method and approach that describes the three stages of conflict resolution can likewise remain. But it will no longer be emphasized in practice in the work of the ARF. Importantly, the performance and delivery of the ARF will no longer be measured and judged against its progression along the CBM/PD/CR curve, where it has severely underperformed. Any CBM/PD/CR dividends that derive from the security cooperation agenda will be welcomed but they will be incidental, albeit an important incidental, to the pursuit of security cooperation.

Conflict resolution can henceforth be left essentially to the countries of the ARF to pursue, as is the prevailing practice. The ARF however will closely monitor developments in the field and give all support and encouragement, besides exploring specific PD initiatives itself. CBM/PD can remain in the sights of the ARF and specific initiatives such as election monitoring and peacekeeping taken, but they will be considered as within the ambit of security cooperation.

We make no recommendation as to which of the two paths the ARF ministers should follow. Indeed, there is no consensus between us as to which should be the preferred option. But we both believe that the ARF should use its 25<sup>th</sup> anniversary to carefully reflect on its future direction and should then make a clear choice.

Should the ARF ministers instead elect to continue to pursue business as usual, paying lip service to the expanded PD/CR goals, this will no doubt be to the disappointment of the founders, who noted in the original Concept Paper that, “if the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges.”

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## CHAPTER 2

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### **Progress Made by the ASEAN Regional Forum in Implementing Confidence-Building Measures, Preventive Diplomacy and Conflict Resolution in the Asia Pacific Region**

By Ralph A. Cossa

#### **Introduction**

This chapter reviews the work done by the ASEAN Regional Forum (ARF) in the area of preventive diplomacy (PD) since 2001. It traces the evolution of the PD mission and the attempts at PD within the Asia-Pacific region, with reference to several illustrative case studies. It focuses in particular on the efforts of the ARF's Experts and Eminent Persons Group (EEPG) which created a Virtual Working Group on Confidence Building Measures, Preventive Diplomacy, and Conflict Resolution in the Asia Pacific Region (ARF EEP WG on PD). It also highlights the work of the multilateral track two (non-governmental) Council for Security Cooperation in the Asia Pacific (CSCAP) in supporting the ARF and its transition to PD. It also examines the five ARF pillars – Humanitarian Assistance and Disaster Relief (HA/DR), Maritime Security, Counterterrorism and Transnational Crime (CTTC), Nonproliferation and Disarmament (NPD), and Security of Information and Communications Technology (ICT Security) – and provides recommendations for progress in these five areas.

#### **Background**

ASEAN was established in 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration) by Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei joined in 1984, Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999, bringing the number of member states to ten. Its aims include to “accelerate the economic growth, social progress and cultural development” and to “promote regional peace and stability through abiding respect for justice and the rule of law.” For more details see the ASEAN [homepage](#).

The ARF was established in 1994 among the 10 ASEAN states and ASEAN's 10 dialogue partners: Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia, and the United States. Since then, Bangladesh, the Democratic People's Republic of Korea, Mongolia, Pakistan, Papua New Guinea, Sri Lanka, and Timor-Leste have joined, bringing the total membership to 27.

#### **Preventive diplomacy and the ARF**

The ARF's objectives, as outlined in the first ARF Chairman's Statement in July 1994, were “to foster constructive dialogue and consultation on political and security issues of common interest and concern, and to make significant contributions to efforts toward confidence-building and preventive diplomacy in the Asia-Pacific region.” The ARF mission was further defined in an ARF Concept Paper in July 1995 which laid out a “gradual evolutionary approach” to deal with the “residual unresolved territorial and other differences... [that] could spark conflagration that could undermine the peace and prosperity of the region.” This evolution was to take place in three stages:

Stage I: Promotion of Confidence-Building Measures  
Stage II: Development of Preventive Diplomacy Mechanisms  
Stage III: Development of Conflict-Resolution Mechanisms

These and other ARF documents can be directly accessed via the ARF on-line [library](#).

While it was fully acknowledged that the ARF's efforts should focus initially on confidence building measures (CBMs) and that the transition to preventive diplomacy would be difficult and should not be rushed, the Concept Paper also noted that, "if the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges."

To assist in this effort, ARF ministers, at the fourth ministerial, instructed the ARF Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs) "to identify areas in the overlap between CBMs and Preventive Diplomacy, and ways and means of addressing them." At the sixth ARF ministerial, the ISG on CBMs was instructed "to further explore the overlap between CBMs and PD, focusing *inter alia* on the development of the concepts and principles of PD."

Meanwhile, a parallel effort undertaken by CSCAP helped to create a working definition and statement of principles of PD that was provided to the ISG for further deliberation and revision. This effort resulted in the publication of "The Concept and Principles of Preventive Diplomacy" which was adopted by the eighth ARF Ministerial Meeting on 25 July 2001.

Given the sensitivity of the subject, the PD Concept Paper acknowledged that the "definition, concept, and principles of PD as agreed by ARF members are not legal obligations – They are shared perspectives that would apply only to the ARF and should be understood as representing the current status of an evolving consensus in the ARF as discussions continue."

The PD Concept Paper noted that "there appears to be general consensus that PD is consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties:

- To help prevent disputes and conflicts from arising between States that could potentially pose a threat to regional peace and stability;
- To help prevent such disputes and conflicts from escalating into armed confrontation; and
- To help minimize the impact of such disputes and conflicts on the region."

The 2001 PD Concept Paper articulated eight key principles of PD:

- It is about diplomacy. It relies on diplomatic and peaceful methods such as diplomacy, negotiation, enquiry, mediation, and conciliation.
- It is non-coercive. Military action or the uses of force are not part of PD.
- It should be timely. Action is to be preventive, rather than curative. PD methods are most effectively employed at an early stage of a dispute or crisis.

- It requires trust and confidence. PD can only be exercised successfully where there is a strong foundation of trust and confidence among the parties involved and when it is conducted on the basis of neutrality, justice, and impartiality.
- It operates on the basis of consultation and consensus. Any PD effort can only be carried out through consensus after careful and extensive consultations among ARF members, with due consideration for the need for timeliness.
- It is voluntary. PD practices are to be employed only at the request of all the parties directly involved in the dispute and with their clear consent.
- It applies to conflicts between and among States.
- It is conducted in accordance with universally recognized basic principles of international law and inter-state relations embodied, *inter alia*, in the UN Charter, the Five Principles of Peaceful Co-existence and the TAC [ASEAN Treaty of Amity and Cooperation]. These include respect for sovereign equality, territorial integrity, and non-interference in the internal affairs of State.

The only major variation between the principles offered by CSCAP and those accepted by the ARF concerned the next to last principle. CSCAP stressed that PD could also apply to conflicts *within* states, provided all sides agreed to the diplomatic intervention (with “intervention” being used here in the positive sense, in that it was welcomed by all parties). Indeed, as outlined below, several of the best examples of PD within the region addressed internal domestic disputes where outside assistance and/or mediation was invited and welcomed.

The 2001 Concept Paper further noted that PD measures could include: efforts to build mutual trust and confidence between states; building norms, i.e., nurturing of accepted codes or norms of behavior guiding the relationships among states in the Asia-Pacific region; and enhancing channels of communication “to promote transparency with a view to avoid misperception or misunderstanding” and to “advance information-sharing, provide early warning and facilitate dialogue.”

Even with the very broad definition of potential PD measures, it is difficult to identify specific efforts by the ARF or other ASEAN derivatives – the ASEAN Defense Ministers Meeting (ADMM) and ADMM Plus, or East Asia Summit (EAS) – since that time that would qualify as genuine PD efforts, beyond the most general definition of information-sharing and the building of mutual confidence and trust.

The same can be said for ASEAN as an institution as well, even though the confidence and trust-building inherent in this organization undoubtedly helped to mitigate or defuse many areas of potential strife over the 51-plus years of its existence and helped encouraged individual member states to work out differences among themselves (which precluded the need for outside mediation or assistance). Of note, however, ASEAN has recently established the ASEAN Institute for Peace and Reconciliation ([A-IPR](#)) as a “knowledge hub and centre of excellence in building capacity on conflict resolution and reconciliation” by conducting “research and capacity building activities on peace, conflict management and conflict resolution in the region. . . .” While it has yet to play a role in conducting or facilitating PD, it is a step in the right direction. Since its goals include “strengthening of cooperation among research institutions, academic institutes, pooling of expertise, and disseminating information,” the potential for greater collaboration with the ARF/EEPG seems high.



Since 2001, the ARF has established or built up a number of Inter-Sessional Meetings (ISMs) and the ISG on CBMs has transitioned into an ISG on CBMs and PD to further explore PD possibilities and make recommendations on how the ARF can best evolve in this direction. Current ISMs are focused on Maritime Security, Humanitarian Assistance and Disaster Relief, Counterterrorism and Transnational Crime, Nonproliferation and Disarmament, and most recently Information and Communications Technology (ICT Security) focused on the cyber challenge. All of these serve as information-sharing and trust-building mechanisms but none to date has been involved in directly mediating or otherwise helping to resolve existing problems.

The ARF has continued to examine steps that could smooth the transition from CBMs to PD. These have included the commissioning of a track-two *Study of Best Practices and Lessons Learnt by Selected International and Regional Organisations in Preventive Diplomacy (the PD Study)* in 2008 developed by the Pacific Forum and the Rajaratnam School of International Studies (RSIS), which looked at PD efforts in other regions and also provided many specific recommendations to assist the ARF in moving toward PD. These recommendations have stood the test of time and are still instructive. Of particular note was a *Time-Phased Summary of Recommendations for Implementing Preventive Diplomacy in the ASEAN Regional Forum* (included here as Appendix A) outlining near-, mid-, and long-term steps the ARF should take toward PD, using 2008 as a baseline. This appears to be the only attempt to provide a step-by-step outline of how the ARF could proceed toward its PD objective along a specified measured timeline. While a few of the recommended steps have been taken (development of an ASEAN 2020 Vision Plan, establishment of a standardized format for the Annual Security Outlook, etc.), most remain to be accomplished. If the ARF is serious about moving toward PD, an effort should be made to review and update and then follow these or similar timelines.

The 2008 *PD Study* helped form the basis of the 2011 ASEAN Regional Forum Preventive Diplomacy Work Plan ([PD Work Plan](#)) with the following stated objectives:

To move the ARF process forward from Stage I - Confidence Building Measures to Stage II - Preventive Diplomacy, on the basis of consensus through action-oriented cooperation and activities, while continuing confidence building measures, mindful of ARF's intention ultimately to move to Stage III and;

To increase the capacity and capabilities of the ARF and its participants in the area of preventive diplomacy.

### **Role and contribution of the EEPs**

The PD Work Plan also cited the efforts of the EEPs in providing a paper on the “Draft Elements of a Work Plan for Preventive Diplomacy” and in subsequently examining the earlier *PD Study* and in making recommendations to help facilitate the transition to PD. These efforts have continued to this date.

In addition to offering their good offices to help mediate crises in the future – an offer which has thus far not been taken advantage of – and conducting a number of case studies to identify instances where PD efforts by the ARF might be appropriate, the EEPs also participated in the only activity which can be at least tangentially be viewed as a PD mission: In July, 2012, a

delegation of EEPs (led by this author, who was serving as EEPG co-chair at the time) was dispatched to Timor-Leste at the request of the host government to join the team of international observers monitoring Timor's first democratic election since receiving independence from Indonesia. Despite concerns about violence from certain political parties, the elections were successfully and peacefully held. ARF support for this quasi-PD effort was less than enthusiastic, with one-member country in particular objecting vigorously about this "interference in Timor's internal affairs" (this despite the observers having been invited by the government of Timor; only one ASEAN country participated in the observer team effort).

Likewise, the EEPG's recommendation that the ARF (or ASEAN) could employ its good offices or otherwise offer to help mediate current disputes in the South China and East China Seas or on the Korean Peninsula have also not been acted upon. The recommendation, first offered by CSCAP and then endorsed by the EEPs that the ARF adopt a standard outline for its [Annual Security Outlook](#) (ASO) has in fact been adopted and acted upon. Both CSCAP and the ARF have also recommended that the member states' ASO submissions be subject to a process of discussion and analysis either by an ARF Working Group or by the EEPG or CSCAP. A related recommendation is that senior officials give consideration to the creation of an early warning mechanism, either in that form or more likely as an information network in which the EEPG could play a coordinating role. Some type of early warning or threat assessment mechanism has been seen as an important element in transitioning to a PD role since the beginning of the ARF's examination of the PD process and both the EEPG and CSCAP have been further identified as vehicles for getting this process started, but there has been little movement in this direction. For an early warning mechanism to be truly useful, an early response capability must also be developed. Absent that, it will be the responsibility of individual members to address the troublesome trends or emerging or actual emergencies an early warning center might highlight.

Of particular relevance, the EEPs agreed in 2016 to establish "virtual working groups" to allow them to dig deeper on specific issues of concern during the period between each annual meeting. Each year, a topic would be chosen and a report would be developed via electronic coordination for review and acceptance at the next year's EEPG. The first EEPG virtual working group's report on "Preventing and Managing Maritime Incidents" was finalized at the 2017 EEPG meeting in Canberra and provided to the ISM on Maritime Security for further deliberation. Likewise, the group's second report, on "Promoting Cyber Security" was presented at the first ISM on ICT Security and helped move that effort forward. This report is part of the third virtual working group's assessment of the progress of the ARF in PD to date.

While the EEPs have not conducted PD missions per se, their efforts have contributed to the information-sharing and trust building missions associated with PD and their recommendations, along with those of CSCAP and the ISG on CBMs/PD, can assist the ARF in moving forward when and if it chooses to do so. Chapter three provides a more in-depth review of overall EEPG activities and recommendations.

### **PD in the Asia-Pacific region**

While the ARF has not been directly involved in conducting PD, individual member states have been active in resolving the territorial disputes highlighted in the first ARF Chairman's Report and in some instances have engaged in outside mediation/PD to help resolve these disputes.

The best and most successful example was in Aceh, Indonesia where outside mediation by the Crisis Management Initiative (CMI), an independent Finnish organization, helped broker a peace agreement between the Indonesian government and an Aceh separatist group in 2005 after being invited in by both parties. The devastating earthquake and tsunami that hit Aceh in December 2004 was instrumental in bringing the two sides together, which then opened the door for outside mediation. Once an agreement was reached, it was monitored and overseen by a joint mission between the EU and five ASEAN member states.

The most recent example involved Timor-Leste and Australia which, in March 2018, signed a Maritime Boundaries Treaty delimiting their maritime boundary in the Timor Sea. The agreement was “comprehensive and final” and encompassed the delimitation of both the continental shelf and exclusive economic zone. The Treaty represented the culmination of international conciliation proceedings conducted by a Conciliation Commission pursuant to the UN Convention on the Law of the Sea and under the auspices of the Permanent Court of Arbitration. This Maritime Boundaries Treaty was the first time that Annex V of UNCLOS had been used in settling a dispute, and was considered a success largely because both parties possessed the political will to come to a binding agreement.

It is worth noting here that Article 14 of the ASEAN Treaty of Amity and Cooperation provides for a regional dispute settlement mechanism; it sets up a High Council which is comprised of a representative at ministerial level from each of ASEAN member country. While noting that “settling the bilateral disputes through direct negotiations is always the most preferable approach,” it further notes that “if such negotiations fail, High Council shall recommend the parties to take other means such as good offices, mediation, inquiry, and conciliation [all basic PD components], or the High Council itself [could] be the one that conducts the good offices, mediation, and inquiry or conciliation.” To date, the High Council has never been activated by a single ASEAN member country despite the fact that a number of unsettled maritime claims remain between and among the various members.

Nonetheless, there are also a number of instances where individual members of ASEAN have sought third-party mediation to settle boundary disputes, including the following:

#### Permanent Court of Arbitration

[Malaysia-Singapore](#) (arbitral tribunal/International Tribunal for the Law of the Sea): The case, which was initiated by Malaysia pursuant to Annex VII of the 1982 Convention, concerned certain land reclamation activities carried out by Singapore that allegedly impinged upon Malaysia’s rights in and around the Straits of Johor. The Parties had agreed ad referendum on the text of a draft Settlement Agreement so no further action was needed by the Tribunal.

#### International Court of Justice

[Cambodia-Thailand](#): In 1962, Cambodia complained that Thailand had occupied a piece of its territory surrounding the ruins of the Temple of Preah Vihear, and asked the Court to declare that territorial sovereignty over the Temple belonged to it and that Thailand was under an obligation to withdraw the armed detachment stationed there since 1954. The Court found that Thailand had indeed accepted the map and concluded that the Temple was situated on Cambodian territory. In 2011, after several armed incidents took place between the Parties in the frontier area close to the Temple, Cambodia asked the Court to review and validate its

previous findings, which it essentially did, once again requiring Thailand to withdraw from the whole territory of the promontory.

Malaysia-Singapore ([request for interpretation](#)); (application for revision). In 2003, Malaysia and Singapore jointly requested the Court to “determine whether sovereignty over: (a) Pedra Branca/Pulau Batu Puteh ; (b) Middle Rocks ; and (c) South Ledge belongs to Malaysia or the Republic of Singapore” and agreed in advance “to accept the Judgment of the Court . . . as final and binding upon them.” The Court awarded sovereignty over Pedra Branca/Pulau Batu Puteh to Singapore. It found that Malaysia retained original title to Middle Rocks. Finally, with respect to the low-tide elevation South Ledge, the Court concluded that sovereignty belongs to the State in whose territorial waters it lies. In February 2017, Malaysia filed an Application for revision of the Judgment and again in June 2017, Malaysia filed an Application requesting interpretation of the Judgment, but in each case the Parties agreed to discontinue the proceedings in the case and to work out settlement directly. As noted elsewhere, this dispute is still ongoing. Malaysia and Singapore have established a Joint Technical Committee to resolve the remaining dispute.

[Indonesia-Malaysia](#): The territorial dispute over the islands of Ligitan and Sipadan in the Sulawesi Sea between Indonesia and Malaysia began in 1969 and became more serious in 1991 when the former protested against the building of tourist facilities by Malaysia on Sipadan Island. The two parties agreed to refer the case to the ICJ in 1998 when attempts to find a negotiated settlement bilaterally were unsuccessful. The ICJ ruled in Malaysia’s favor in 2002 on the basis of *effectivité* (effective administration of the islands).

#### Permanent Court of Arbitration

The most famous case of attempted outside mediation involved the [Philippines and China](#): in which Manila used the Permanent Court of Arbitration for an UNCLOS Arbitral Tribunal to issue a ruling on overlapping claims in the Philippine Sea. This cannot be considered an example of PD however since Beijing rejected the overture in advance and subsequently rejected the Tribunal’s findings.

Likewise, attempts by [Malaysia and Singapore](#) to settle their disputed maritime boundaries, while generally successful, did not preclude a stand-off in recent months over territorial waters near the Johor Bahru Port. At present the two sides have established a working group “to study and discuss legal and operational matters on the dispute, in order to de-escalate the situation on the ground.” ICJ mediation has also been suggested and neither side has ruled this out if agreement cannot be reached bilaterally.

[Read more at [Singapore, Malaysia maritime dispute: A timeline](#).

This is just a small sampling of regional PD attempts, successful and otherwise, in and among the ARF participants. These include recent and past mediation efforts affecting the Korean Peninsula (Six-Party Talks and earlier Four-Party Talks); the remarkable collaboration among communist and non-communist countries in ASEAN regardless of political ideology and political systems; the South China Sea situation involving territorial disputes amongst littoral states as well as major power tensions (including the 2002 Declaration on Conduct of Parties in the South China Sea or DOC and thus far unsuccessful efforts to establish a Code of Conduct); the Preah Vihear dispute between Thailand and Cambodia; the Sipadan/Ligitan

dispute between Indonesia and Malaysia; the Pedra Branca/Batu Puteh, Middle Rocks and South Ledge dispute between Malaysia and Singapore; the Ambalat Sea dispute between Malaysia and Indonesia; the successful settlement of the border demarcation between China and Russia in 2008 after more than 40 years of negotiations; the demarcation of the land border between China and Vietnam in December 2008; refugees/migration, epidemics and trans-border rivers; and Australia's just concluded maritime boundary dispute with East Timor, as well as several experiences of external third party mediation in domestic conflicts, including the aforementioned Aceh example, the conflict between Indonesia and independence movements in East Timor, the conflict between Manila and movements for independence and autonomy in Mindanao, and the conflict between the Thai government and secessionist movements in southern Thailand.

### **Conclusions reached thus far**

While the case studies provide additional insights and lessons learned, it's clear that the main factor necessary for PD to be attempted, much less successfully implemented, is political will. With the exception of the Aceh case, where a natural disaster compelled the disputing parties to find ways to cooperate and ultimately opened the door for a resolution of the broader dispute, the cases have been modest and the stakes generally low. In Aceh, political expediency combined with political will – the disaster compelled all parties to cooperate and helped to build sufficient trust to allow the mediation process to subsequently begin. In most other cases, the stakes and especially to political cost of losing the mediation were sufficiently low and the benefits of compromise were high enough to allow the leaders to move forward with mediation.

It is also clear, when it comes to defining the mission and identifying steps to be taken and potential crisis areas that need to be watched, that NGOs such as CSCAP can and have played an instrumental supporting role. The EEPs have also played a useful role but, as Paul Evans points out in chapter three, the EEPG is now at a decision point regarding its future role both more generally and as regards PD. A deeper examination of the role of the EEPs, as regards PD and more generally, has been proposed as the possible subject of a follow-on virtual study group.

Meanwhile, it may be time for a new approach toward PD led not by the ARF but by ASEAN itself. For PD to succeed, there must be mutual trust among the players. This does not exist when it comes to many of the non-ASEAN ARF members. Perhaps it would be better to encourage ASEAN to develop the essential PD mechanisms such as an early warning center first for their internal use in the hope that this could then be expanded to include ARF members at a later date. The creation of the ASEAN Institute for Peace and Reconciliation could be an important step in this direction, especially if its future research effort focuses on identifying areas of potential conflict that would lend themselves to PD, this allowing the A-IPR to serve as a *de facto* early warning mechanism.

In the meantime, the ARF should consider transitioning from an organization that moves “at a pace comfortable to all members on the basis of consensus” – which in reality means at a pace desired by the slowest or most reluctant of its members – to a “pace comfortable to none,” where the lowest common denominator no longer becomes the norm. The “80% consensus rule” adopted by CSCAP would also help move the process along but seems unlikely to be adopted by all member states.

It is also important to remind ourselves of lessons already learned and recommendations already on the table. CSCAP's contribution in this regard has been particularly noteworthy.

In 2007, CSCAP convened a study group on "Preventive Diplomacy and the Future of the ASEAN Regional Forum" which assessed the ARF's progress along the path toward PD. Its key findings are included in Appendix B.

Its assessment of a number of PD case studies concluded the following: failure is never final (it provides lessons learned and a basis for subsequent efforts); a commitment to find a solution (including a willingness to compromise) is essential on the part of all concerned parties, and this requires strong, bold leadership; non-governmental organizations can and have played a useful facilitating role and can be helpful during the implementation phase, but the real work must be done by the involved parties themselves; reaching agreement is not the end of the process, follow-through is critically important and never-ending; and buy-in by other involved parties is essential – a failure to ensure legislative support has undermined or caused dramatic revision of some otherwise effective PD efforts.

The Key Findings also provided a useful laundry list of steps that could be taken to reinvigorate the ARF process along with recommendations toward further institutionalization of the ARF. All have stood the test of time and are worth revisiting. If the ARF is really committed to moving toward PD, an effort should be made to review and update the 2008 PD Study and especially the timelines previously laid out to help measure progress toward this objective.

The ARF has, in many ways, been a great success, especially in the area of information-sharing and confidence building. It is hard to imagine duplicating the effort today and bringing all the assembled actors into one room together if the ARF did not already exist. However, if one measures the ARF's success based on its stated three-stage objective, its failure to move beyond the first stage needs to be acknowledged and addressed.

### **Role of women in PD/ARF**

While women have been under-represented in the ARF (and in the EEPG and CSCAP), they have played a central role in PD deliberations. The initial CSCAP work which resulted in the working definition and statement of principles of PD gained much from its collaboration with the US Institute of Peace whose PD specialist, Dr. Pamela Aull, played a central role in the initial investigation and training regarding PD. The CSCAP PD effort today is being headed by Dr. Eva Pejsova. Dr. Carolina Hernandez and Dr. Kusima Snitwongse were among the CSCAP founders and played a key role in its early PD efforts and Dr. Crystal Pryor played a key drafting role in the EEPG's "Promoting Cyber Security" memo that has formed the basis for the ARF's work on this sensitive topic. Many of the ARF desk officers at the US Department of State and in other member countries are making major contributions to the PD and overall ARF effort.

This said, women continue to be seriously under-represented and under-utilized in track one and track two networks. The topic of Women in Security has been proposed as another possible EEPG Virtual Working Group topic for further examination. The annual ASEAN-ISIS (Institutes for Security and International Studies which links security-oriented think tanks ASEAN-wide) Roundtable, one of the major gatherings of regional security specialists, has devoted plenary sessions in recent years to promoting women in security and examining their

positive contributions. The ARF could do likewise. Gender dynamics are critical to understanding and managing regional conflicts. The role of women as targets and victims of conflict, sustainers of conflict, and peacemakers needs much more attention.

In the same vein, examining the role and contribution of youth and migrant communities might generate constructive results as is already being seen in efforts by organizations including the Pacific Forum, Asia Society and International Institute for Strategic Studies.

## **Future Directions**

This final section provides suggestions for US engagement in the ARF across the next five years keyed to the “five pillars,” i.e., the five working groups (ISMs) which, along with the ISG on CBMs/PD guide the bulk of the ARF’s substantive agenda. These are the ISMs focused on Humanitarian Assistance and Disaster Relief (HA/DR), Maritime Security, Counter-terrorism and Transnational Crime (CTTC), Nonproliferation and Disarmament (NPD), and Information and Communications Technology (ICTs-Security).

Track two mechanisms remain vital to the ARF’s overall mission. It was the CSCAP Confidence and Security Building Measures (CSBM) Working Group’s initial CSCAP Memorandum that provided the foundation for the ARF’s discussion of CBMs; its “Working Definition and Statement of PD Principles” formed the basis for the ARF’s PD Work Plan. Prior to the CSCAP Memo (prepared under this author’s direction), the ARF had been at a standstill on the PD subject. CSCAP’s efforts broke the logjam. It was also the CSCAP PD Working Group that, in cooperation with the US Institute of Peace, organized the initial PD training effort for ARF officials.

The CSCAP Workshop on Cyber Security in Semarang, Indonesia in April 2017 back-to-back with the CTTC ISM helped put cyber security on the ARF’s agenda and provided the initial input for the Cyber Security Memo subsequently prepared (by this author) for the EEPG (which in turn has helped to guide the work of the new ARF ISM on ICT-Security). Meanwhile, a series of CSCAP Memoranda on various aspects of maritime security, prepared with substantial input from USCSCAP and AUS-CSCAP representatives, continues to inform and help move the ARF’s Maritime Security ISM forward.

Finally, the work of the CSCAP Nonproliferation and Disarmament (NPD) Study Group and its Nuclear Energy Experts and Export Controls Sub-Groups (NEEG and XCXG respectively, helped to prod the ARF to put nuclear security issues on its agenda and has played the lead role in forming and stimulating that ARF ISM on NPD’s current activities. This is underscored by the decision of the hosts of every NPD ISM to invite CSCAP to present its findings to the group, including, at the last four meetings (most recently in Bali in April, 2019), turning over a three-hour block of the meeting to a CSCAP-led substantive discussion.

A comprehensive analysis of the current activities and agendas of the various ISMs is not possible since the ARF provides no specifics regarding these meetings or the sessions on the website accessible to the general public. General details are provided in the annual ARF Chairman’s Statements but the presumably more detailed annexes are not available.



## **Humanitarian assistance and disaster relief**

Laos, Canada, and China co-chair the ISM on HA/DR. The Chairman's Statement from the 25<sup>th</sup> ARF Meeting, hosted by Singapore on Aug. 4, 2018, "reaffirmed the importance of harnessing the individual and collective strength of different sectors and stakeholders in the region to enhance the resilience of communities and develop innovative solutions to mitigate the impact of disasters." They commended the efforts of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) in monitoring and coordinating emergency response to natural disasters in ASEAN Member States since its inception, "and its role in enabling ASEAN to respond to disasters outside the region at a later stage."

It's not clear at this point how ASEAN, much less the ARF, plans to respond to disasters either within or outside the region and how ARF efforts, if any, would enhance or overlap similar efforts being undertaken by the ADMM Plus, which is also examining an HA/DR role (and has the military assets to actually conduct HA/DR if desired). The ARF needs to more clearly identify the role it plans to play in HA/DR and how that affects or is affected by whatever the ADMM Plus intends to do. One suggestion would be for the ADMM Plus to focus on the development of a regional response force (perhaps using the African union example cited above as a guide) while the ARF identifies the practices and procedures necessary to implement such outside assistance if and when needed.

The US Hurricane Katrina and Japan earthquake/tsunami experiences taught a valuable lesson; namely, that sometimes the more advanced a nation is, the less prepared it is to accept outside support when needed. Simple things, like domestic animal quarantine restrictions, prevented much needed sniffer dogs from being sent from overseas to assist in Japan, for example. It might be almost as difficult to deploy a multinational disaster relief force into some countries' territorial waters as it would be to assemble such a force in the first place. Recall that an ARF HA/DR exercise was about to begin when the earthquake/tsunami struck Japan. The US diverted ships participating in the exercise to assist its Japanese ally. The other participants continued with their exercise.

To its credit, the ARF this past year also issued a Statement on Disaster Management Cooperation to "support the development, or improvement, of comprehensive and integrated national strategies covering contemporary best practice including disaster management, disaster risk prevention, monitoring and early warning, preparedness, emergency response, protection of civilians, recovery and reconstruction, and assist in incorporating these elements into countries' national disaster plans, as appropriate." Efforts at developing a monitoring and early warning capability, even if initially focused on natural disasters, could pave the way for the creation of a long-overdue PD early warning mechanism and should be encouraged.

## **Maritime Security**

The ISM on Maritime Security is co-chaired by Vietnam, Australia, and the EU. The 2018 ARF Chairman's Statement cited "continued constructive dialogue on issues of common interest and concern, marine scientific research, Maritime Domain Awareness (MDA), and marine environment protection" and "noted the importance of enhancing cooperation among maritime law enforcement agencies, such as capacity building assistance, joint exercises, and



information sharing, including MDA and other related initiatives.” These are all areas where increased cooperation is necessary and possible and where the US can play an important supporting role. The issue of maritime law enforcement and more generally observance of the rule of law seems particularly critical.

The region today faces a growing number of maritime challenges, among the most significant of which are the irredentist claims and blatant circumventing of the rule of law in some of the region’s most contested seas. They manifest in increasing attempts by some to unilaterally impose unsubstantiated legal interpretations, such as new restrictions to navigation, while being reluctant to ratify relevant international conventions and implement legal decisions that are aimed at maintaining good order at sea. Hence, in the past several years, there has been an increasing recognition that greater rule of law in maritime Asia is both desirable and critical to maintaining peace and stability in the region. However, regional cooperation is often inhibited by the perception that this activity may involve some loss of sovereignty or a “loss of face” in the context of geopolitical rivalries.

The lack of consensus on the meaning of the “rule of law” with littoral states in the Indo-Pacific often holding opposing interpretations of binding international legal instruments is seen as a major factor behind increasing regional instability. Tensions continue to heighten over maritime claims and are exacerbated by major power competition and weaknesses in regional multilateral mechanisms. The ARF should be encouraged to analyze different interpretations of the “rule of law” in the context of maritime security and conduct an in-depth study of the varying national maritime policies and regimes of countries throughout Indo-Pacific region.

To facilitate this effort, a series of regional maritime security workshops could be conducted involving policymakers, maritime law enforcement agencies, ocean experts, lawyers, researchers, international security specialists, and academics from ARF member-countries and beyond, to facilitate candid and frank exchanges of knowledge, policy positions and ideas, to encourage mutual understanding and consensus, and to generate impactful policy prescriptions.

An effort of this nature should seek to refocus regional discourse away from the notion that maritime Indo-Pacific is an arena for pursuing national ambitions through displays of power, and hence a battleground for major power rivalries, into an avenue for rules-based cooperation and demonstration of commitment to international law and peace. This effort should be part of a larger maritime security program, that also includes a research component and next-generation programming.

As noted above, CSCAP has been a major contributor to the Maritime Security ISM, producing no less than 13 separate [CSCAP Memoranda](#) on various aspects of maritime security. CSCAP does not have an active Maritime Study Group at present but USCSCAP has put down a marker on the need for a recurring effort to continue providing direct support to the ARF.

### **Counterterrorism and transnational crime**

Indonesia and Russia co-chair the CTTC ISM. The 2018 ARF Chairman’s Statement “reaffirmed the importance and effectiveness of an integrated and whole-of-society approach in combating this challenge, including through preventive education, involvement of women and youth and civil society, promotion of principles such as peace, tolerance, respect for

diversity and non-violence as a counter-narrative, and preventing and countering the use of ICTs, including the internet, social media and cyber space for terrorist purposes.”

While all this sounds good on paper, the reference to the internet and social media should ring a warning bell (in addition to raising concerns about the overlap of this ISM with the one on ICT Security). Certain members of the ARF are likely to use the CTTC issue as a vehicle for suppressing freedom of information and expression in the name of national security. This is something to be guarded against.

The ministers also highlighted the very real concern, growing in Southeast Asia but not exclusive to this region, of how to deal with the threat posed by returning and relocating foreign terrorist fighters. This should be a priority for US law enforcement and homeland security officials, who should then share their remedies, developed in accordance with domestic and international law, with their ARF counterparts.

While there is no CSCAP Study Group dealing with this issue at present, CSCAP has produced a number of Memoranda dealing with Arms Trafficking, Human Trafficking, and the Relationship Between Terrorism and Transnational Crime, along with a Memo on Enhancing Efforts to Address the Factors Driving International Terrorism.

### **Nonproliferation and disarmament**

The NPD ISM is co-chaired by Indonesia, Japan, and the Republic of Korea. The 2018 ARF Chairman’s Statement made only passing reference to the subject, noting “the importance of strengthening international and regional cooperation in nuclear non-proliferation and disarmament, and the peaceful uses of nuclear energy, as well as in ensuring the elimination, non-proliferation and non-use of chemical and biological weapons.” Regrettably, this is symptomatic of the relatively low priority many Southeast Asian members place on this subject, assuming (incorrectly) that proliferation in particular is a Western (read: US) rather than a regional problem. More work needs to be done to explain the economic as well as security consequences of proliferation.

It was encouraging, however, to see the reference to chemical and biological weapons. Too often, NPD dialogues focus solely on nuclear issues. More attention needs to be paid in coming years to the chemical and biological challenges. More emphasis on this aspect of WMD could also serve to increase Southeast Asia awareness and attention to proliferation issues in general. As is normal in such Chairman’s Statements, the DPRK was once again urged to “fulfill its stated commitment to complete denuclearization and its pledge to refrain from further nuclear and missile tests.” One of the values of multilateral forums like the ARF and CSCAP is the opportunity to share concerns and criticisms in a frank manner.

CSCAP plays a key role in the operation of this ISM since this role is already widely recognized and applauded by the ARF. A future agenda could include:

- Supporting Strategic Trade Control (STC) adoption/implementation, to include STC principles in the ASEAN Single Window initiative;
- Promoting greater coordination (or a better division of labor) between SEANWFZ and ASEANTOM;

- Establishing a region-wide body to coordinate UNSCR 1540 and sanctions implementation;
- Enhancing information-sharing and the sharing of best practices among regional states on implementing nuclear security;
- Laying out the specific regional requirements for nuclear-power development in a safe, secure, and proliferation-resistant manner; and
- Launching disarmament projects between regional nuclear-armed states and non-nuclear-armed states on the model of the UK-Norway initiative on warhead dismantlement.

### **Information and Communications Technology (ICT Security)**

Malaysia, Singapore, and Japan co-chair the ISM on ICT Security. The ARF Chairman's Report merely recognized that "challenges to ICTs-Security are transboundary issues that needed to be addressed through joint regional and sub-regional efforts," while welcoming the establishment of the ISM.

Countries in the Asia-Pacific are actively developing offensive and defensive cyber capabilities, but there are presently no universally agreed norms governing the impact these capabilities might have on critical infrastructure, political processes, or economic espionage. While ASEAN supports ongoing work to promote international voluntary cyber norms for responsible state behavior and confidence building measures in cyber, discussions on international norms appear to have stalled. The ARF ISM should take the lead in developing regional cyber norms that reflect shared regional priorities, a multi-stakeholder approach, and recognition of the particular needs of individual states and the region as a whole.

Once again, CSCAP is poised to provide assistance to this ICT Security effort through the establishment of a Study Group on "Developing Cyber Norms of Behaviour and Confidence Building Measures for Asia-Pacific." Organizations like USCSCAP/Pacific Forum are well-positioned to connect the technical and policy communities in the Asia-Pacific, help raise awareness within the policy community on operational best practices/lessons learned from crises like Wannacry and NotPetya, and generate policy guidelines on appropriate responses. Regional countries could learn from discussions surrounding these options, including related hot-button issues like hack-backs, a vulnerabilities equity process (VEP), etc.

Other areas for future analysis include norms building in ASEAN and a consideration of cyber security to various regional connectivity initiatives including China's Belt and Road Initiative, ASEAN's Master Plan on ASEAN Connectivity 2025, and the US initiative on Digital Connectivity and Cybersecurity Partnership through the CSCAP Cyber Security Study Group. Specifically, focus should be on how to make critical infrastructure and connectivity more resilient across the region for greater development and prosperity. This could be done through conversation kick-starter workshops involving the technical and policy communities as well as the private sector. Outcomes could include ASEAN member countries' enhanced awareness of the role of cybersecurity in regional connectivity, operational best practices, and cyber norms, as well as concrete policy guidelines on appropriate responses to cyber incidents in the region.

### **Final observations**

CSCAP has played a significant role in moving the ARF forward both in the area of PD and through its support to various ISMs and through its series of memoranda. At present, the only

CSCAP Study Groups that parallel the ARF's five pillars are the NPD Study Group and the Cyber Security Study Group. CSCAP and/or other track two organizations and institutions, both directly and through ARF deliberations, should be encouraged (and as appropriate and possible provided financial support) to more actively pursue research directly related to the five pillars.

Finally, as far as PD is concerned, the ARF could benefit by following its own advice and blueprint as laid out in the 2011 PD Action Plan. This includes:

- As appropriate, utilize the ARF EEPs, CSCAP and ASEAN-ISIS as expert consultative bodies for monitoring and identifying potential flashpoints.
- In the longer term, consider the establishment of a regional risk reduction center (RRRC) to monitor regional trends.
- On the basis of consensus, identify and develop optional and voluntary preventive diplomacy mechanisms that could be used by ARF participants. These could include: capacity-building such as technical assistance; good offices role consistent with the Hanoi Plan of Action (ARF Chair, ASEAN Secretary-General, and Friends of the ARF Chair); consider expanding the functions of the ARF EEPs; fact-finding and observer missions; and those identified in the TAC.
- Over time, with the consent of all directly involved parties, explore and consider the potential for: mediation/facilitated dialogue; conciliation.

As recommended earlier, perhaps the best approach would be to encourage ASEAN to develop an RRRC or other form of early warning mechanism as a first step toward moving the ARF in the PD direction. The A-IPR could play a key role in this effort. In the meantime, CSCAP and the EEPG should be used to help focus attention on the above blueprint components in order to push the transition to PD forward. For early warnings to be truly effective, they must prompt early responses. Developing a response capability or mechanism or even a standing response team will eventually be needed in order to move to stage two and eventually stage three.

## **APPENDIX A:**

### **Time-Phased Summary of Recommendations for Implementing Preventive Diplomacy in the ASEAN Regional Forum**

#### **Near Term (2008-2009)**

- Develop a statement of objectives for the ARF PD program as a prelude to a 2020 ARF Vision Statement:

- Develop a normative statement on the value of good governance;
- Establish protection of vulnerable populations as a standard of behavior;
- Establish nonviolent resolution of conflict as an expectation within the region;
- Establish mutual support in response to crises as a standard of behavior;
- Initiate discussions on the development of an ARF Charter and Vision Statement.

- Provide better definitions of confidence building and operational PD mechanisms within the ARF:

-- Identify circumstances (involving both traditional and nontraditional security challenges) in which the ARF should engage in operational PD measures such as good offices, mediation, and fact-finding missions;

-- Establish specific PD roles for the Eminent and Expert Persons Group (EEPG), Friends of the Chair (FOC), and the ARF Unit;

-- Develop a mutually supportive relationship between the ASEAN Troika/ASEAN Secretary General and the ARF Unit;

-- Develop a standardized format for the Annual Security Outlook (ASO) that focuses on early warning indicators;

-- Establish standardized formats and reporting criteria for existing confidence building measures;

-- Establish benchmark criteria for achieving military transparency;

-- Expand the definition of PD to include intra- as well as inter-state conflicts, with the consent of parties, and define the desired scope of the ARF's PD mission;

- Expand the ARF Unit to focus on the following tasks:

-- Standardize reporting requirements for confidence building measures;

-- Manage the development of a Vision Statement that incorporates norms and objectives for good governance and assistance to vulnerable populations;

-- Identify areas where structural PD initiatives could be undertaken. (e.g. poverty alleviation, nontraditional security, local governance training, anti-corruption programs, security sector reform, peace building, election monitoring, conflict resolution training);

-- Identify partner organizations for structural PD initiatives and PD training;

-- Conduct workshops on how to transition from confidence building and organize for PD;

-- Identify information collection requirements to support PD;

-- Serve as the functional link between the ARF and ASEAN's Troika and Secretary General.

- Examine measures and mechanisms that would make the ARF more responsive to impending or actual crises.

- Further enhance and identify additional areas of cooperation between the ARF and CSCAP and other track-two organizations.

### **Mid-Term (2010-2012):**

- Finalize and approve the ARF 2020 Vision Plan:
  - Establish goals and aspirations for regional achievements in good governance, protection of vulnerable populations, and mutual assistance;
  - Establish PD as the primary conflict mitigation mechanism in the region;
  - Establish a mandate for ARF involvement in conflict prevention;
  - Clearly define the ARF's relationship to other regional and sub-regional mechanisms such as the Asia Pacific Economic Cooperation (APEC) Leaders' Meeting, ASEAN Plus Three, and the East Asia Summit.
- Formalize the ARF PD program:
  - Institutionalize measures and mechanisms that would make the ARF more responsive to impending or actual crises;
  - Define the process for implementing operational PD measures;
  - Establish the review process for evaluating the Annual Security Outlook for PD implications;
  - Identify and exercise specific early warning functions for the EEPG and Friends of the Chair/ASEAN Troika;
  - Define scenarios where operational PD should be applied;
  - Establish goals for specific structural PD programs;
  - Begin implementation of selected structural PD programs;
  - Initiate training programs to support PD implementation; -- Establish compliance standards for confidence building measures.
- Expand the ARF Unit to focus on the following:
  - Analysis of security-related confidence building information for early warning;
  - Management of partnership agreements for implementing structural PD initiatives;
  - Management of operational PD measures;
  - Coordination with national-level implementation agencies;
  - Conduct workshops on PD implementation;
  - Manage PD training programs.

### **Long-term (2012-2015 and beyond):**

- Evaluate progress on achievement of ARF 2020 Vision Plan goals for PD:
  - Initiate work on ARF 2030 Vision Plan;
- Establish ARF Secretariat:
  - Serves as the focal point for all operational PD initiatives.
- Establish Regional Risk Reduction Center:
  - Coordinates and directs PD efforts;
  - Monitors national-level reporting for early warning indicators.
- Institute an ARF Summit, either back-to-back or alternating (or otherwise coordinated) with other regional summits.

## **APPENDIX B:**

### **Meeting of the CSCAP Study Group on Preventive Diplomacy and the Future of the ASEAN Regional Forum Bandar Seri Begawan, Brunei, October 30-31, 2007**

#### **Summary of Key Findings**

The Council for Security Cooperation in the Asia Pacific (CSCAP) conducted a study group meeting on Preventive Diplomacy (PD) and the Future of the ASEAN Regional Forum (ARF) in Bandar Seri Begawan, Brunei on Oct. 30-31, 2007. Discussion focused on an assessment of the ARF's progress along the path toward PD and on the development of specific recommendations aimed at reinvigorating the ARF as both a confidence building and PD mechanism, through an examination of PD case studies and constructive dialogue on future options and directions. Key findings from this meeting include:

- The ARF has served as an important and successful vehicle for promoting security cooperation and building confidence among its members;
- The ARF has also taken important steps toward achieving its stated goal of evolving from the promotion of confidence building measures (CBMS) to the promotion of PD measures and the elaboration of approaches to conflict but progress has been slow;
- Initiatives such as the Experts and Eminent Persons Group (EEPG), the Friends of the ARF Chair, the ARF Unit, and the production of voluntary Annual Security Outlooks (ASO) can facilitate progress toward PD, as would further institutionalization of the ARF process;
- The 1995 ARF Concept Paper has provided a useful roadmap to this point but ARF members should now consider the development of a 2020 Vision Statement to refine and further clarify ARF objectives and provide specific benchmarks for progress;
- While the current Working Definition and Statement of Principles of PD serve as a useful starting point in the promotion of PD, it should be recognized that, in practice, PD (as demonstrated in the case studies) has also be applied within states, as long as it is "employed only at the request of the parties involved or with their consent";
- While PD has traditionally been applied to prevent traditional disputes or conflicts from arising or escalating, PD mechanisms and procedures may also have a role in dealing with non-traditional security challenges;
- Addressing non-traditional challenges may provide a less controversial method of developing and refining PD practices and procedures, but should not distract the ARF from responding to more traditional (and more potentially destabilizing) security challenges;
- Effective PD requires effective early warning, which could be accomplished through the establishment of a Risk Reduction Center (as envisioned in the ARF Concept Paper);

- The EEPG could also be given an early warning mission, and a more standardized ASO which focused on emerging security challenges could serve as a vehicle for providing early identification of potential challenges against which PD measures might be successfully applied;
- General observations about successful PD efforts generated from our case studies included: failure is never final (it provides lessons learned and a basis for subsequent efforts); a commitment to find a solution (including a willingness to compromise) is essential on the part of all concerned parties, and this requires strong, bold leadership; non-governmental organizations can and have played a useful facilitating role and can be helpful during the implementation phase, but the real work must be done by the involved parties themselves; reaching agreement is not the end of the process, follow-through is critically important and never-ending; and buy-in by other involved parties is essential – a failure to ensure legislative support has undermined or caused dramatic revision of some otherwise effective PD efforts;
- Other general suggestions aimed at further reinvigorating the ARF process include: clearer definition of the role of the EEPG, ASO, Friends of the Chair, and the expanded role of the Chair itself; more emphasis on a pro-active (vice responsive) role for such initiatives, to include the institution of fact-finding and goodwill missions, and “good offices” or mediation services; increased willingness to examine more sensitive or controversial regional security issues; examination of the “responsibility to protect” principle and how this affects the long-standing principle of non-interference; provisions for the calling of emergency meetings to respond to impending crises or conflict; examination of a “full consensus minus x” approach for routine ARF decisions; enhanced cooperation and coordination with other (including track two) organizations; greater encouragement and support of non-ARF bilateral and other regional CBM and PD efforts, including the encouragement of such efforts along the sidelines of (but separate from) ARF gatherings; greater participation of not only defense officials but also officials from other ministries in ARF deliberations; and greater refinement and explanation of the ARF’s niche, i.e., what the ARF brings to the table and how it distinguishes itself from the growing number of other regional multilateral institutions and organizations (the Vision Statement would help in this regard);
- Suggestions toward further institutionalization of the ARF include: creation of an ARF Secretariat (through elevation of the ARF Unit); appointment of an ARF Secretary General with clearly defined role and mission; the previously identified suggestion of the eventual establishment of a Regional Risk Reduction Center; and the establishment of a regular ARF Summit, perhaps back-to-back or rotating with the Asia Pacific Economic Cooperation (APEC) Leaders Meeting, East Asia Summit, or other high-level gatherings.
- CSCAP stands ready to support ARF efforts to promote CBM and PD efforts and to help examine regional security challenges, including through the continued holding of back-to-back meetings with ARF events, as appropriate, to enhance greater ARF-CSCAP interaction.



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## CHAPTER 3

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### **Past and Future of the ARF's Experts and Eminent Persons Group in Advancing Regional Security Cooperation**

By Paul Evans

The EEPG was activated in 2004 at the 11<sup>th</sup> ARF Ministerial Meeting when the “Guidelines for Operation” were adopted.<sup>1</sup> The initial objective was defined rather broadly as providing informed analysis and advice to the official ARF process. Subsequent interpretations advanced by participants and observers were even broader and included knowledge generation, knowledge sharing and knowledge diffusion, and providing the ARF membership policy recommendations. One participant referred to it as the ARF's think-tank and others pointed to its potential role in generating fresh and unconventional ideas for the ARF's consideration. A secondary objective noted by some was to build a group of informed and interactive observers with access to the Foreign Ministries of the ARF member states, a sort of government-connected but independent epistemic community.<sup>2</sup>

The frame of reference was consistent with the ARF's focus on a three-stage process including confidence building, preventive diplomacy, and approaches to conflict resolution. It can be classified as one form of track 1.5 diplomacy, a creation of governments (foreign ministries), funded by governments, responsible to governments, managed by an inter-governmental organization (the ARF Unit in the ASEAN Secretariat), but with some measure of autonomy and independence in its agenda and discussions.<sup>3</sup>

The participants in EEPG have been more expert than eminent, principally retired senior officials, think tank leaders, and academics. In principle the participants at the annual meetings are nominated by their governments and listed on a registry maintained at the ASEAN Secretariat. In practice, a goodly portion of individuals attending EEP meetings are serving officials stationed in the country where the meeting is held or dispatched from their national capitals. While participation from some countries at the annual meetings has been consistent over the years, there is a high-level of turnover in representation from most. Recently efforts have been made by some member countries, as noted in chapter two, to introduce more women and younger participants into their delegations.

Agendas have varied from meeting to meeting, largely dependent on the style and priorities of the rotating co-chairs and the host country as well as occasional requests from ARF senior officials and ministers. It does not have a research capacity beyond the contributions of the individual participants. Nor does it fund inter-sessional meetings though for several projects individuals, in consultation with home governments and other international experts, have set up virtual networks.

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<sup>1</sup> As described on the ARF [homepage](#). The Guidelines for Operation are available at the EEP [homepage](#).

<sup>2</sup> As discussed in Moon Chung-In and You Chae-Kwang, “The ASEAN Regional Forum's Experts and Eminent Persons Group: Achievements, Limitations, Prospects,” *Global Governance*,

<sup>3</sup> The typology of the various dialogue tracks in the region is outlined in David Capie and Paul Evans, *The Asia-Pacific Security Lexicon* (Singapore: ISEAS Press, 2007), pp. 229-41.

The meetings have varied considerably in their level of formality, the use of break-out sessions, the use of *ad hoc* working groups operating in advance of the annual meeting and designed to advance a specific proposal, and the use of “scene setting” presentations from senior officials, ministers, or NGO leaders. It is understood that there are multiple channels in the region at the track one (including the ADMM+ and EAS plus several bilateral mechanisms) and track two levels (including CSCAP and other multilateral and bilateral processes) for discussion and action on the PD agenda. Several EEPG members are involved in one or more of these channels and have attempted to link across them as outlined in chapter two of this report.

Each meeting has produced a chair person report forwarded to ARF officials and considered in the chain of meetings leading to the ARF ministerial. Where in principle the report reflects the chairpersons’ sense of the meeting, in practice its recommendations reflect a unanimous consensus accepted by all. EEPG co-chairs or designates have requested, so far unsuccessfully, to be present at ARF Senior Officials Meetings. None of the reports, recommendations or supporting materials have been circulated outside of official channels.

What have been the main points of discussion, the principal insights and the most significant main recommendations? What impact have they had?

### **Points of Discussion**

The first three EEPG meetings focused largely on procedural matters and ways to advance confidence building. At the fourth meeting in Bali in December 2009 attention turned mainly to PD measures that have the main subject of discussion in the nine meetings since.

The EEPG benefited from the 2008 “Joint Study on Best Practices and Lessons Learned in Preventive Diplomacy,” which provided a definition of PD and outlined a variety of specific measures with regional relevance. While accepted by almost all of the EEPG participants, it is still occasionally challenged by some. Most contentious has been (a) whether PD should be confined to inter-state issues or be understood to apply to intra-state and trans-national conflicts and (b) how to balance sovereignty and non-interference principles with the demands of attention and action in addressing conflicts that have regional implications.

Every EEPG meeting has included an overview of the regional security situation, identification of specific flashpoints or issues of immediate concern, and recommendations for ARF consideration. Beginning in 2017, the recommendations have included the product of a virtual working group that has operated on an inter-sessional basis and produced a “non-paper” for further discussion at the main meeting.

### **Key findings and recommendations from EEP meetings**

#### **#4, December 2009: Bali**

- Endorsed the “Joint Study on Best Practices and Lessons Learned in Preventive Diplomacy.”
- Drafted a workplan for moving from CBMs to PD.
- Recommended that the ARF’s scope for PD include traditional and non-traditional threats.
- Noted the invitation from Timor Leste for a fact-finding mission in advance of or in conjunction with its national elections in 2012.

#5, January 2011: Dili

- Support for ASO and EWM, even if a full early warning centre may be premature and instead track two mechanisms such as the EEPs, CSCAP and ASEAN ISIS could play an interim role.
- Previewed the fact finding observation mission for the forthcoming 2012 national election in Timor Leste.
- Recognized the important role of civilian-military interactions and a call for an EEP paper on the role of the ARF in a new regional architecture and new attention to the Maritime domain.

#6, February 2012: Bangkok

- Support for EWM, even if still premature, and EEP role in identifying and responding to flashpoints and a standardized ASO review as part of the ARF toolbox.
- Support for enhanced interaction between the EEPs and the ARF track one and closer interaction between the EAS, ARF and ADMM+ including joint workshops.
- Support a proposed Code of Conduct in the South China Sea as a PD instrument.
- Recommendation that future EEP meetings should be in retreat format and only include EEPs on the registered list.

#7, May 2013: Honolulu

- Support for a standardized ASO as an ingredient of an EWM.
- Recommendations that non-violent resolution of conflict be a cardinal and inviolable principle for all states; establishing mutual support in response to crises as a standard of behavior; identifying circumstances where the ARF should engage in operational PD measures; establishing specific PD roles for the ARF Chair, ASEAN Trioka, and EEPG; examining PD training opportunities; and expanding the capacity of the ARF unit.
- Specific comments related to advancing the ARF's PD workplan through EEP fact finding missions, election monitoring, learning from lessons through case studies, and managing the overlap in the agendas of the ARF and other institutions including the EAS, APT and ADMM+.

#8, February 2014: Kuala Lumpur

- 15 recommendations including support for EWM and ASO review; an EEP role in election monitoring; the preparation of a PD manual including lessons learned regionally and internationally; more emphasis on fact-finding missions including in the East China Sea; consideration of arms control and disarmament plus energy security matters as PD issues; measures to strengthen the ARF unit in the Secretariat and the role of the ARF Chair; guidelines for restricting participation in EEPG meetings to people on the ARF registry; more linkages to track two processes including CSCAP;

#9, 2015: Helsinki

- Support for a standardized ASO and review process.
- Recognition of the recent regional successes of non-ARF processes related to the Code on Unexpected Encounters at Sea (CUES) and in the areas of HADR.
- Discussion of strengthening the ARF by shifting from problem-discussing to problem-solving; inviting non-ASEAN ARF participants to co-chair the ARF discussions; establishing an ARF Secretariat staffed by officials from ASEAN member states; co-locating the ARF secretariat with the APEC secretariat; and alternating ASEAN and non-ASEAN ARF participants as chairs of the ARF Secretariat.

- Decision not to endorse a proposal to establish a working group on the principles of a cooperative security order.
- Recommendations to establish a Working Group to discuss possible contributions to the implementation of the ARF Vision Statement and the role of the EEPs; update the 2009 study on PD with the Secretariat tasked to compile list of lessons-learned and best practices in maritime security; suggestions made by the breakout groups on the East China Sea as well as the Korean Peninsula be considered by the ISG/SOM; to confirm ARF readiness for election monitoring when requested by the state concerned; to update and streamline the EEPG registry.

#### #10, 2016: Singapore

- Concerns voiced about the relevancy of the ARF and the EEPG.
- Discussion of whether the EEPG should continue with annual meetings and recommendation up the chain of senior officials meetings or instead be on call to respond to specific requests from the ARF chair or membership, sifting the weight from expert to eminent persons.
- Created working group on “Lessons Learnt and Best Practices Concerning Incidents at SEA.”
- Reviewed maritime cooperation in East Asia, including the COC in the South China Sea, East China Sea, the immanent risks of collapsing fish stocks and depleted maritime resources, applause for the work of the ASEAN Maritime Forum chaired by Brunei.
- Coincidentally an ADMM+ training sessions was taking place in next room with, uncoordinated, an overlapping agenda.

#### #11, 2017: Canberra

- Intensive discussion of regional trends with a focus on great power relations and assessments of the new Trump administration in the US.
- Discussion of the work of the International Crisis Group and its early warning functions.
- Amendment and approval of the report by the first EEPG virtual working group on “Preventing and Managing Maritime Incidents.”
- ASO review raised again along with new issues in cyber security (including the creation of a new Cyber Points of Contact Directory), arms control, biological weapons (including VSX) and terrorism.
- Proposal to establish an on-line EEP working group to examine possible cyber confidence building measures.

#### #12, 2018: Hanoi

- State of the region overviews, concerns about deterioration of US-China relations, non-traditional issues including cyber-security and bio-security including super viruses.
- Continued interest in proliferation and maritime security cooperation.
- Concerns about the relevancy of the ARF and the EEPG, desire to deal in more depth with intra-state and trans-border conflicts.
- Need for assessment the 20 ASOs prepared in 2017 and continued interest in EW systems.
- Adoption of the report on “Promoting Cyber Security” produced by the second EEPG virtual working group and the recommendation that the ARF Ministers take forward its findings; recommendation that to maximize the value of the EEP processes that the EEP Co-Chairs or representatives be invited to attend ARF official meetings.
- Agreement to establish an EEP working group to review progress in PD over the last decade in the region and the future role of the ARF and its EEP.

#13, February 2019: Chiba

Summary awaiting distribution of the co-chairs final report and ARF deliberation.

Two recommendations have been echoed at almost every EEPG meeting. The first has been that the Annual Security Outlooks submitted by member states be subjected to a process of discussion and analysis by a sub-group of EEPG members. The second is that senior officials give consideration to the creation of an early warning mechanism, either self-standing or more likely as an information network in which the EEPG could play a coordinating role.

### **Assessment**

After a decade of discussion of PD in the ARF context, progress can be described as limited, incremental and lagging behind ideas generated by other processes or actual state practice bilaterally or mini-laterally as covered in other parts of this report. Much of its discussion has centered on identifying dangerous problems and risks or applauding advances that are being pushed by other players. It has been a “long slow journey” as described by the co-chairs of the Honolulu meeting.

The EEPG’s internal weaknesses are apparent: diverse and ever-shifting membership, inconsistent level of commitment, experience and interest; little leadership from the ASEAN participants from several countries. Its strengths are a strong core group, well connected, and experienced inside and outside government.

While it has sparked some imaginative ideas, very few of its recommendations have been adopted by the ARF ministers. Some have been abandoned or diluted in the chain of official meetings preceding the ministerial meeting, some at the ministerial meetings themselves. The exceptions, such as the proposals related to incidents at sea and the cyber security forum, which have been fed into existing ISMs, have been modest.

Some EEP participants are frustrated by the slow pace of discussions, the absence of impact, and the inability to reach out to groups outside the governmental process including media and universities. For example, it is not clear that after two years of pressure for public release the Joint Study has yet been distributed outside ARF circles.

There is little evidence that it has created the epistemic community across the region or new networks within them that some had anticipated. This is something that could be evaluated by an independent survey.

### **Next?**

Never has inclusive multilateral cooperation been more difficult or more needed. A track 1.5 creature of the ARF, the future of the EEPG depends fundamentally on what officials and ministries want it to be. Here are four options that have been suggested at various times by EEPG participants.

One possibility is simply to stay the course with the current mandate, structure and focus that are comfortable to many and consonant with the wider trajectory of the ARF itself. The group

would continue to produce recommendations that would be filtered through intra-group debate before being forwarded into the chain of formal ARF activities.

A second is to keep the current form of the EEPG but shift its subject from PD, for which the region and the ARF have a very modest appetite, to work on a specific problem in a wider security cooperation agenda as outlined in Chapter two. Possibilities include collective discussion of the Annual Security Outlooks; a regular early warning update for the ARF on most pressing regional threats based on collaboration with institutions like the International Crisis Group; how to operationalize the women, peace and security program; assessing prospects and instruments for arms control; avenues for managing maritime resources; new forms of empathy building measures with respect to historical disputes; principles for cooperation in an era of increasing great power rivalry.

A third is to reconstruct the EEPG emphasizing the “eminent” rather than the “expert” part of its title. The roster would be revised to list individuals with major international standing and reputation such as former heads of government or ministries, including former political leaders, officials, business people or civic leaders. They would not meet regularly but would be convened at the request of the ARF chair to handle a specific incident or problem, a kind of volunteer fire department ready to respond to a call. They would be convened on short notice, well-funded, and have a fixed time frame with a sunset clause. Meetings would be on demand rather than on a fixed annual schedule.

A fourth is simply to disband the EEPG as currently conceived and have the ARF look to creative expert input from track-two organizations such as CSCAP or from the foreign ministries themselves, with participants involved by individual invitation based on their specific problem-specific expertise rather than being on the government-selected roster.

These are matters for debate within the ARF process and more widely in the months to come.

## ABOUT THE AUTHORS

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**Paul Evans (PhD Dalhousie)** has been a professor at the University of British Columbia since 1999 teaching Asian and trans-Pacific affairs. Paul is the Director Emeritus of the Institute of Asian Research.

His academic appointments have been as Assistant, Associate and Professor, Department of Political Science, York University, 1981-97; Director, University of Toronto - York University Joint Centre for Asia Pacific Studies, 1991-96; Visiting Professor, Asia Center, Harvard University, 1997-99; Acting Director, Liu Institute for Global Issues, 2004-5; Director, Institute of Asian Research, 2008-11.

Between 2005 and 2008 he was on leave from UBC to serve as the Co-CEO and Chairman of the Executive Committee of the Asia Pacific Foundation of Canada.

A regionalist rather than country specialist, he has held visiting fellowships at the Australian National University (1988); National Chengchi University (1989); Chulalongkorn University (1989); the East-West Center (1995); and the National Institute for Research Advancement in Tokyo (1999). He has been a Visiting Professor at the University of Hong Kong in 2011 and 2013 and Singapore Management University in 2015 and 2016 as head of the International Academic Advisory Panel for its School of Social Sciences.

The author or editor of eight books, his first was a biography of John Fairbank, his best-selling with David Capie, a lexicon of Asia Pacific security terminology, and his most recent *Engaging China: Myth, Aspiration and Strategy in Canadian Policy from Trudeau to Harper*, published in 2014 by the University of Toronto Press.

An advocate of cooperative and human security, he has been studying and promoting policy-related activity on track-two security processes and the construction of multilateral institutions

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