



**Council for Security Cooperation in the Asia Pacific**

**8<sup>th</sup> General Conference**

**Dangers and Dilemmas:**

**Will the new Regional Security Architecture help?**

Hanoi, 21-22 November 2011

**REPORT**

## **CSCAP Vietnam**

***INTRODUCTION***

The 8<sup>th</sup> General Conference of the Council for Security Cooperation in the Asia-Pacific (CSCAP) was held in Hanoi, Vietnam on 21-22 November 2011. It is the first time the CSCAP General Conference was held in Vietnam. The Diplomatic Academy of Vietnam (CSCAP Vietnam) hosted the General Conference on behalf of CSCAP. CSCAP Vietnam received generous substantive, technical and financial assistance from various CSCAP Member Committees, especially from CSCAP Australia, CSCAP Japan, CSCAP New Zealand, CSCAP Singapore and the CSCAP Secretariat in making this event a big success.

The 8<sup>th</sup> CSCAP General Conference was held immediately after the 6<sup>th</sup> East Asia Summit (EAS) in Bali, Indonesia, where regional leaders welcomed the full participation of Russia and the United States in the EAS, thereby creating a major development in the regional security architecture. Since the 7<sup>th</sup> CSCAP General Conference in Jakarta in 2009, the Asia-Pacific has been witnessing an impressive evolution of the regional security architecture, including the inauguration of the ASEAN Defense Ministers' Meeting-Plus in Hanoi, Vietnam in 2010. In this context, the 8<sup>th</sup> CSCAP General Conference, held under the theme "Dangers and Dilemmas: Will the new Regional Security Architecture help?" is aimed at assessing the effectiveness of the evolving regional security architecture in addressing emerging traditional and non-traditional security challenges in the region.

The Conference has drawn significant attention from regional and local policymakers, experts and the media, and was attended by more than 250 international and 150 local participants. Apart from the representatives of CSCAP Member Committees, many security experts and scholars in various parts of the Asia-Pacific region, members of the diplomatic corps in Hanoi and of Vietnamese government agencies and institutes were also present and making active contribution. The event was also joined by participants from the younger generation, especially from the Pacific Forum Young Leaders Program. The Deputy Prime Minister of Vietnam, H.E. Nguyen Thien Nhan, delivered the key-note address at the opening session, on behalf of the Prime Minister of Vietnam.

The conference agenda was designed to cover a wide range of emerging security challenges in the region and the role of the regional security architecture in addressing these challenges. Each session focused on a contemporary security issue such as WMD, maritime security, R2P, water security, etc. and assessed the effectiveness of the regional security architecture in managing the respective dangers and dilemmas. Session 8 looked into the overall shape of the regional architecture, assessed its effectiveness in managing the dangers and dilemmas just discussed and makes policy recommendations on constructing the future regional architecture so as to meet the emerging challenges of the 21<sup>st</sup> century. The organizers managed to secure the participation of distinguished role-players who delivered excellent presentations at the Conference.

***HIGHLIGHTS AND DEBATES***

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**Monday, 21 November 2011**

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**Opening Remarks**

**Dalchoong Kim, Co-Chair, CSCAP**

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Dalchoong Kim first reviewed the development of CSCAP over the last 20 years, from the initiative by the ASEAN Institutes of Strategic and International Studies (ASEAN ISIS), the Japan Institute of International Affairs (JIIA), the Pacific Forum/CSIS (Honolulu), and the Seoul Forum for International Affairs (SFIA), together with representatives of other research institutes from the Asia-Pacific region to organize a series of conferences on security cooperation in the Asia-Pacific. CSCAP has expanded in terms of membership and scope of coverage. Particularly, it has been working to consolidate its links to the ASEAN Regional Forum in order to support the ARF's mission for comprehensive security cooperation in the region.

Based on the successful outcomes of CSCAP activities during the past two years, especially since the 7<sup>th</sup> General Conference in Jakarta, Mr. Kim affirmed that the objective of this 8<sup>th</sup> General Conference is to assess the effectiveness of the evolving regional architecture in addressing traditional and non-traditional security challenges in the region.

He highlighted the significance of this year's General Conference as it takes place right after the 6<sup>th</sup> East Asia Summit on November 19 in Bali, Indonesia, with the formal participation of the United States and Russia in the EAS. And also, since the last 7<sup>th</sup>

CSCAP General Conference, the Asia Pacific region has been witnessing an impressive evolution of the regional architecture, including the inauguration of the ASEAN Defense Ministers' Meeting Plus in Hanoi last year and the formal opening of the permanent Secretariat of Trilateral Cooperation (China, Korea and Japan) in Seoul in September this year. He expressed confident that CSCAP's role for regional security cooperation will continue to grow in importance as the global economic and strategic center of gravity shifts toward Asia.

Mr. Kim concluded by extending his gratitude to His Excellency Nguyen Thien Nhan, Deputy Prime Minister of Vietnam for his support for CSCAP and its General Conference and invited him to deliver his keynote.

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**Keynote Address**

**H.E. Nguyen Thien Nhan,**

Deputy Prime Minister of Vietnam

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In his remarks, on behalf of the Prime Minister of Vietnam, H.E. Nguyen Thien Nhan, Deputy Prime Minister of Vietnam stressed that despite having achieved relatively fast economic growth and stability, the Asia-Pacific region still confronts many dangers and dilemmas, which if are not properly addressed may lead the region to instability. These dilemmas do not come from any single threat but a comprehensive threat to the regional security environment, including threats to national security, such as territorial disputes, as well as to the living environment. While traditional security challenges have not ameliorated, non-traditional security challenges such as maritime security, water resources security, food security and so on, have been fast emerging. Despite the challenges, he noted, the Asia-Pacific region still lacked appropriate cooperative mechanisms; the regional architecture remains to be improved in order to effectively deal with the challenges.

H.E. Nguyen Thien Nhan recalled that as the Chair of ASEAN in 2010, Vietnam had tried its utmost to maintain and promote the existing mechanisms for cooperation in the

region, and together with ASEAN strengthened the cooperation with partner countries towards peace, stability and development. Vietnam had closely collaborated with other ASEAN member countries to promote and expand the regional security architecture, initiated the ASEAN Defense Ministers Meeting Plus process, and obtained the consensus on the extension of the East Asia Summit to include Russia and the United States, which was realised for the first time during the 19<sup>th</sup> ASEAN Summit and related meetings in Bali, Indonesia in November 2011. He was of the view that the East Asia Summit had become a forum of dialogue and cooperation for regional leaders to discuss important issues pertinent to peace, security and development of the region candidly and constructively, including maritime security, water resources security, the South China Sea and sustainable exploitation of Mekong River. Regarding South China Sea issues, he informed that Conference and many leaders at the Summit agreed that all disputes must be resolved through dialogues based of regional mechanisms and international laws, including the 1982 UN Convention on the Law of the Sea. With respect to the Mekong, Laos and other countries expressed their support to Japan's initiative on cooperation in research and assessment of dam construction impacts on downstream environment before the dams are built. He said that regional countries generally saw the developments in Bali as positive, and believed the evolving architecture would further create conditions and environment for the region to discuss more important and thornier questions in a more cooperative and constructive manner.

H.E. Nguyen Thien Nhan appreciated the efforts and contributions made by CSCAP over the years. He requested that, in light of the new important developments to the regional architecture, the CSCAP Conference look back, analyse the developments, and try to answer the following questions:

- Have the existing cooperation mechanisms been effective, to what extent are they effective, how to further improve these mechanism to better meet the demands of security cooperation?

- How should we maintain and promote the newly formed regional security architecture? What are the impacts of the new developments on handling the dangers and dilemmas that the region is facing?

- What measures are needed to strengthen confidence among the countries in the region so that all parties will participate in the cooperation processes in an open and forward manner? How should we build regional mechanisms to promote mutual understanding; and to promote the harmonisation of national interests and those of the regional community?

H.E. Nguyen Thien Nhan concluded by expressing confidence that the Conference would engage in in-depth discussions which would produce fruitful outcomes.

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**Session 1**

**Weapon of mass destruction: Moving toward zero in a nuclear renaissance?**

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**Dr. Manpreet Sethi**

**Centre for Air Power Studies, New Delhi, India**

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In her presentation, Dr. Manpreet Sethi sketched out a broad view of moving towards zero in a nuclear renaissance. She began by limiting the scope of nuclear renaissance in this context as the spread and expansion of nuclear programs to countries that have already had them as well as to those who have not yet had the program and want to start a nuclear power program. She then set the aim and hypothesis of her speech in the four following points: a) an explanation of the link between nuclear Zero and the Renaissance; b) renaissance does not mean automatic proliferation; c) logic of nuclear Zero; and d) proliferation triggers hinge on consensus between states that have nuclear power and those that do not.

First of all, she explained that the logic of moving towards zero takes roots from following reasons: a) more countries with nuclear weapons means increased existential risks including miscalculation and unauthorized trial; and we need an adequate command and

control mechanisms which are both negative control and positive control when we have nuclear weapons; and when we have many countries with nuclear weapon, we have multi-polar equations, so how the multi-polar equations have impact on strategic stability; and the catastrophe of nuclear exchange is unimaginable; b) as long as the nuclear weapon exists there is an inevitability of proliferation because there is an increased demand for nuclear weapon because of threat perceptions and c) there is a risk of nuclear terrorism.

Dr. Sethi then went further to explain the logic of nuclear renaissance which depends on states' energy basket. The countries that have growing demand for electricity resulting from rapidly developing economies, increasing population, and limited alternative fuel sources look at nuclear energy as an alternative in their energy mix. Other factors like growing environmental concerns and maturity of nuclear power technology also contribute to the nuclear renaissance. After the Fukushima accident, countries may review and suspend their nuclear energy programs, but Dr. Sethi thought they would not put an end to them.

Moving on to the link between nuclear renaissance and proliferation, Dr. Sethi noted from risk of proliferation theoretical perspectives there is a linear relationship between them as the country possessing nuclear program tends to go for a nuclear weapon program, and the availability of nuclear technology and human resources equals to nuclear programs. However, she explained that in practice countries take path to proliferation depending on various factors such as the security environment, the threat perceptions, and domestic factors like prestige and politics.

Referring to the reconciliation of zero with nuclear renaissance, Dr. Mapreet Sethi suggested a need for consensus between states with nuclear weapons and non-nuclear weapon states on strengthening rules of nuclear commerce based on "gold standard" on non-proliferation, which are mandatory additional protocols, ENR restriction and increased safeguards. But she also stressed that this consensus may only be reached by the balance between non-proliferation and disarmament. She also mentioned the difficulties of non-nuclear weapon states to take on more commitments on non-proliferation without credible move towards Zero including reduction in nuclear numbers. Dr. Sethi pointed out the

limitedness of this approach as it assumes that non-proliferation equal to disarmament and that's why proliferation still persists even countries have signed NPT.

Finally, she proposed the credible commitments on Zero based on Rajiv Gandhi's action plan in 1988, which included some crucial actions as follows: negative security assurance, which is the assurance to non-nuclear power states that they are not threatened by the use of the nuclear weapons; universal no-first-use to build confidence; ban on use or threat of nuclear weapons which aims to devalue the weapon as currency of power and take away the attractiveness that countries feel for a nuclear weapon.

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**Dr. Chu Shulong,**  
**Deputy Director, the Institute of International Strategic and Development Studies,**  
**Tsinghua University, Beijing, China**

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Dr. Chu Shulong agreed with Dr. Sethi about the logic as well as the reasons why countries go to nuclear weapons. The main reason is that countries are cautious for security policies and other concerns. He also agreed that countries have the same goal of nuclear zero in the future, but the question rests with how countries move to this goal. He recognized the hardship to convince countries like Iran and North Korea not to go for nuclear as they have legitimate security concerns.

Dr. Chu Shulong agreed with Dr. Sethi about the relationship between nuclear power plants and nuclear weapons-the dilemma the world is in as countries also need energy for people's lives. As IAEA treaties and agreements are aimed to prevent misuse, he suggested IAEA should have concrete mechanism to check the differences.

Finally, Dr. Chu Shulong also agreed with Dr. Sethi about the balance between nuclear zero and disarmament. Based on the lessons from Cold War, he encouraged countries to go for nuclear zero, arms disarmament including both nuclear and conventional weapons.

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**Mr. Yuri Dubinin,**  
**International Relations and Foreign Policy of Russia Department,**

Mr. Yuri Dubinin began by pointing out that the presidents of the biggest nuclear weapon states like the US, Russia and other countries support the idea of complete nuclear disarmament as a final goal and he also believed that most of them understand that a nuclear free world does not equal to the current international situation minus nuclear weapons. To create a nuclear free world, he suggested the international system should consider nuclear free options guided by international consensus approach to major issues that might lead to military conflicts and the one where conventional military superiority of any nation might be considered as threats to others. The gradual process to that international consensus should be the primary goal of those who want nuclear disarmament, and the elimination of nuclear weapons might be the final stage. He also said that no one could predict the timing for this momentous nuclear disarmament because no one knows if and when the comprehensive nuclear test ban treaty or fissile material cut-off treaty might come into force in this world.

He provided further information about some certain steps by the US and Russia towards reduction of nuclear weapons including re-sign and ratification of new strategic reduction treaty - START 2. It was a good beginning for arms control in general, and creating a favorable climate for successful completion of the 2010 NPT review conference. However, he noted that further reduction of nuclear weapons by those biggest nuclear powers encounter considerable obstacles.

Besides, he suggested Russia should not focus solely on nuclear disarmament issues but also others like Russia and NATO conventional armed forces in Europe treaty, the intermediate range nuclear forces treaty, North Korea, Iran and Asian security issues, non strategic nuclear weapon arsenal and the US conventional prompt global strike initiatives. He recommended starting the discussion on nuclear disarmament on multilateral and bilateral basis as no other official nuclear power states has ever joint with the US and Russia in their moves towards nuclear disarmament.

He then offered the main reasons for the nations to gain nuclear weapons, which are for their national prestige and to compensate for conventional forces weaknesses. In

conclusion, he suggested one should look closely at the ties between nuclear power and security perceptions if countries want to move toward nuclear zero.

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**Professor Robert Ayson,  
CSCAP New Zealand,  
Victoria University of Wellington, New Zealand**

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Professor Robert Ayson agreed with the previous speakers that there is need for a move toward zero and he emphasized that to this end, there is a need for the leading role of the countries in the Asia-Pacific, especially the countries that possess nuclear weapons, to take moves towards nuclear zero.

Besides, he pointed out a number of obstacles: 1) the rising powers do not tend to find that disarmament always suit their interests; 2) steps toward arms control, which may stabilize relationship of nuclear deterrence, can also validate and reinforce those relations of nuclear deterrence; 3) a need of fundamental recasting international politics as arms control does not work when there is a strategic competition among regional major nuclear powers; 4) a number of significant countries including Japan and Korea have been able to constraint the temptation towards the nuclear positions partly because of their reliance upon the nuclear deterrence umbrella of the US; 5) how do China, India, Pakistan and possibly North Korea join a process of deep nuclear cut following START agreement; 6) nuclear disarmament increases the importance of getting the conventional balance; 7) nuclear weapons by nature are means of weapon of mass destruction; 8) much attention is paid on nuclear capability of small programs in countries like North Korea, but less on the arsenal of larger nuclear powers even US and Russia have made significant nuclear reductions; 9) the cause of nuclear disarmament must compete with many other challenges and issues.

He then suggested things to be done: a) full recognition of ASEAN nuclear weapon free zone; b) reducing the possibilities of misunderstanding between nuclear armed states by supporting the comprehensive Test Ban Treaty; c) strategic control of arsenal materials; d) observing the clear breaks between the generation of nuclear power for civilians purposes and military applications that might come from nuclear technology. He also emphasized the

importance of the support not only from the countries that possess the nuclear weapon but also from those who do not.

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### Question and Answer Session

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Responding to a comment from the audience that there is a need for recasting international politics before getting to the state of nuclear disarmament, Dr. Manpreet Sethi agreed as she pointed out that competitive security paradigm should be moved to cooperative security paradigm toward nuclear disarmament. She also raised the point that countries should take simultaneous collaborative steps in moving towards that direction. She also emphasized that peace is the final goal, not security and questioned whether security has brought peace or not. Confidence building is one step that can be achievable.

Regarding the question whether India, Pakistan and other countries would join the bilateral process on reduction route to zero, she suggested countries join the universal treaty on negative security assurances or on no first-use rather than reduction route toward zero.

Responding to Mark Valencia's question about whether it is possible to set up a joint development of missile shield, Dr. Manpreet Sethi argued by raising the question that who would and would not participate in this joint development, and this idea creates more and more inter-state security issues, rather than resolving them.

On Soemadi Brotodiningrat's question about whether the nuclear weapon free zone is effective, Dr. Manpreet Sethi commented that this is a great idea as long as there is a voluntary commitment of countries thinking that the nuclear weapon free zone fits their security environment and addresses their threat perceptions. However, she also mentioned that this idea does not fit every region and its complexity should be kept in mind.

Mark Valencia raised the question about how to remove the threatening of the use of nuclear weapon because anytime when the threat is implicit, if we have nuclear weapons, they might be used. Chu Shulong expressed his view that although China has had nuclear weapons for decades since the 1960s, China has never threatened to use the nuclear weapons, even at the time of disputes and conflicts with others, showing China's sincerity.

The main sources of threat of use of nuclear weapons have come from the US because they have had nuclear doctrines for long time and insisted on the use of nuclear weapons including in the Taiwan Straits. He suggested that threat perception and security environment should be changed and that we should look for ways to improve and ensure security environment.

Ralph Cossa noted that the Bush administration's nuclear review only identifies scenarios or circumstances but not the areas where the US would use nuclear weapons. He wanted to know Chu ShuLong's reaction to the recommendations about nuclear power states joining the denuclearization dialogue.

Chu Shulong noted that there is a huge gap in numbers of the arsenal between the U.S Russia and other countries like China, India, France, UK, not to say about the quality. China and some other countries would like to see the US and Russia cut down to the level of middle nuclear powers like China and India. This will provide better conditions for countries to join denuclearization dialogue. He suggested to narrow the difference, as so far the gap is so huge.

Yuri Dubinin noted that we are facing a big question of disagreement and discussion for Russia and NATO countries. It is also a problem for Southeast Asia countries as the Republic of Korea and Japan are perceiving possible threats from the DPRK and working with the United States in creating certain theatre missile defense system. There is always a balance between defensive and offensive weapons. Dubinin agreed with the presenters that when talking about nuclear weapons, it means security. He suggested to start with the problems of peace and security, otherwise no positive results on eliminating nuclear weapons will be reached.

With regards to the question on nuclear powers joining the Protocol to the Bangkok treaty, he said that territory in the protocol has been defined, there is a deliberation of economic zones, seabed areas in disputes, and therefore he supposed it would be wise to sign the Protocol to the Bangkok treaty.

In response to the question about negative security assurances, Yuri Dubinin also agreed that there is a need to introduce more deeply and in more details about negative security assurances to non-nuclear states. But he also mentioned that it has been implicitly written

in the Non-Proliferation Treaty of 1968, which said that the nuclear powers would not use nuclear weapons against non-nuclear powers that have not aligned with any nuclear power. He suggested that it needs more clarifications, more details, which he believed that could be done through the process of the evolution of the NPT in one or more nuclear conferences. Ralph Cossa added by saying that the negative security assurance is extended to all countries that are in compliance with the NPT that also said those who are not complying with the NPT will not get assurances.

Responding to Ralph Cossa's question about why Russia would not maintain no-first-use policy that the Government of the Soviet Union had during the Cold War, Mr. Yuri Dubinin explained that the whole situation and the threat perception have really changed upside down. During the Cold War, the Western Europe NATO countries perceived territorial threat as the main threat to European power security and invited the United States to come to Europe and provide nuclear umbrella for its NATO allies. He reminded that back in 1990, in Paris, NATO and Warsaw Treaty countries signed a major treaty on conventional armed forces, which creates the equal balance on conventional weapons. Now NATO in comparison to Russia would have an advantage by factor of five to seven. Therefore, in order to counterbalance these conventional force imbalances, Russia has introduced this possibility of first use of nuclear weapon and its doctrine.

In terms of nuclear free zones, Prof. Robert Ayson noted that the Southeast Asia nuclear weapon free zone, Rarotonga treaty for a South Pacific nuclear weapon free zone, Antarctic treaty of nuclear weapon free zone of Latin America, Mongolia's unilateral nuclear free zone, reconfirm the determination of these countries not to engage themselves in proliferation. In response to a question about Iran and DPRK selection of between claims of civilian nuclear power generation countries and nuclear weapon status, he noted that these are different cases. The DPRK has gone a good deal further along that route, and it is not clear whether Iran does seek a fully fledged nuclear arsenal so that they can make a jump should it need to. Conventional system is needed for deterrence and security purposes; the less nuclear weapon we have the more we need conventional deterrence. Therefore the relationship should be worked out. Finally, he informed that CSCAP Working Group on Weapon of Mass Destruction is in the process of finalizing a CSCAP Memorandum on disarmament, which will be presented in full form to the ARF.

Ralph Cossa added that a CSCAP Memorandum is in the final round of coordination which he hoped would be able to be presented at the next ARF inter- sessional meeting (ISM) on non-proliferation and disarmament in March in Sydney. He also mentioned that on the CSCAP website [www.cscap.org](http://www.cscap.org), there is a new memo on peaceful uses of nuclear energy, providing serious recommendations. He welcomed the agreement of nuclear energy producers and nuclear weapon states not to dump their waste in Southeast Asia, but the future problem is going to be Southeast Asia nuclear waste with Vietnam, Indonesia or perhaps Burma, the Philippines and other places with nuclear energy. A good recommendation on peaceful uses in the Memorandum is to examine the prospect of a nuclear reprocessing and enrichment-free zone, which allows peaceful uses of nuclear energy but prohibits those activities that feed most proliferation concerns. Another concern is on the Korean Peninsula when DPRK carries out reprocessing and concerns about reprocessing are at the heart of many problems with Iran today.

In response to a question about whether Germany's decision to stop building new nuclear plants will have impacts on peaceful use, Yuri Dubini replied that each country has to evaluate its nuclear options vis-à-vis problems of their concerns. Some countries like Germany, for example, move to renewable energy resources, which is non-traditional energy. France is not giving up their nuclear-generated electricity where about 75% is produced by nuclear power programs. Unless a universal global-wide agreement on nuclear is reached, nations determine their policies vis-a-vis problems. He also agreed with Ralph Cossa on the necessity to include other nuclear powers to the nuclear disarmament dialogue and more transparent nuclear programs, and start multilateral rather than bilateral talks on the reduction of nuclear weapons. He also agreed that there is a problem of non-recognized nuclear power states as they create a risk of undermining a number of treaties covering only five officially recognized nuclear weapon states. He suggested including these states in this nuclear disarmament.

Answering the same question, Chu ShuLong expressed his views that it depends on each country that they would not go for nuclear power if they have alternative choices of energy resources and vice versa. But the issue is the nuclear safety when the impact of nuclear incidents is beyond the nation; therefore there is a need for international and regional cooperation to share knowledge. He also agreed with the multilateral approach for nuclear

disarmament. He noted the China's nuclear strategy is limited nuclear capacity and China has never set the goal to be competitive with the US and Russia. He proposed that the first step to implement the multilateral approach is the US' and Russia's serious commitment to lower down their current nuclear capacity to a certain level in a given period of time. The next step is clear commitment of other countries not to increase their nuclear capacity to a certain level in a certain period of time. Besides, strategic dialogues should be enhanced for better quality and quantity of relationships. At last, with regard to the relationship between nuclear strategic capacity and conventional forces, he commented that US movement is not constructive as in recent years the US talks about the so called Prompt global strike system, which he considered as a bad news for nuclear disarmament in the world.

Responding to the same question, Dr. Sethi did not think that there is any impact because each country will decide its own route to energy security. For Germany, they have found the way to give up nuclear energy because it was contributing only about 2% of the total energy basket and they have other options that are available. Not everybody, even within the European Union, is in agreement with the decision that Germany has taken because this decision is going create Germany's greater reliance on nuclear power plants which are older than what Germany used to have, as Germany is going to borrow electricity from its neighborhood.

In responding to a question about speakers' views on the nuclear black market, security and safety issues and the role of non-state actors which are one of the causes of nuclear proliferation, Dr. Sethi agreed with the Mr. Dubinin's comments on the importance of nuclear safety even before the Fukushima accident, which has an impact on nuclear industry across the world. Especially at the time of nuclear renaissance, most of countries have a nuclear review program because of their concern of safety. Non-nuclear weapon states are extending their nuclear power, helping the nuclear proliferation to some extent, which has become stumbling block in further reduction and moving toward nuclear weapon free world. She suggested to help non-nuclear weapon states in case of being threatened by other states and offered comprehensive nuclear security assurance to be one way to the extended deterrence.

Dr. Sethi expressed India's approach which is to maintain the minimum but sufficient deterrence to stop others from using nuclear weapons against them, and India, like China, has not wish to be on parity with the US or Russia. This approach and no-first-use is based on strategic restraint. She suggested the way to a nuclear free world is to transcend the number game, not focusing on reduction of number of ballistic nuclear missiles because it is going to take a long time, but rather the approach of no first use in which every states with the nuclear weapon accept no first use.

Ralph Cossa highly appreciated Dr. Sethi's philosophy behind transcending the numbers game, but emphasized that numbers still do matter since this raises concern about transparency and verification of the various numbers that people are claiming. Regarding the extended deterrence question, he noted a concern about strong desire for nuclear weapons. Another concern is the nuclear security and safety which is currently being paid not enough attention by countries.

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## **Session 2**

### **Maritime Security:**

#### **Toward a regional Code of Conduct?**

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**Professor Wu Shi Cun**

**President, National Institute for South China Sea Studies, China**

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Prof. Wu Shi Cun sought in his address to explain the reasons for recent tensions in the South China Sea. According to him, the fundamental competition in the South China Sea is historic claims on the one hand and modern claims on the other hand, such as claims of EEZ under UNCLOS.

Regarding freedom of navigation in the South China Sea, Prof. Wu argued that freedom of navigation has never been a problem in the South China Sea. China has never interfered in

normal activities of ships in the area for commercial purposes. It is also the difference in the interpretation of the specific articles of UNCLOS by coastal states about whether freedom of navigation includes navigation of military ships.

Prof. Wu also explained China's bilateral approach to the South China Sea disputes. China pursues direct negotiation with each party concerned for islands and maritime sovereignty. For issues that are relevant to all parties such as anti-piracy, environment protection, safety of sea lanes, etc., China is more open to a multilateral approach. China is concerned about US increasing engagement in the South China Sea and hope disputes in the South China Sea between China and ASEAN are not regional or international issues. The involvement of external states does not help to solve the issue.

Regarding the DOC, Prof. Wu stressed the importance of implementation of this declaration for maintaining peace and stability in the region, especially in the context that China and ASEAN recently signed the guidelines on the implementation of the DOC. In order to solve political and legal challenges in the South China Sea, it is fundamental to implement the guidelines on the implementation of DOC which was signed in July 2011. According to him, bridging the perception gap among claimant states and between claimant states and external states can be reached through track 1 and track 2 by organizing regular workshops.

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**Dr. Mark Valencia**

**Research Associate, National Asia Research Program, and Woodrow Wilson Center**

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Dr. Mark Valencia continued the discussion by showing his observation of the situation of the South China Sea and the concerned states. He explained why all states found that they need to make efforts to sign the COC, because for ASEAN, he explained, it would like to show other states it has the ability to manage the disputes. ASEAN would like to enhance its credibility and deserved centrality in the region and in international organizations. China, on the other hand, would like to assure ASEAN countries that it would peacefully

settle the South China Sea disputes. The COC now still face challenges, since China still opposes to its binding character.

He analyzed methods that each involved party is applying to deal with the situation in the South China Sea as follow:

The Philippines' method is to internationalize the disputes, mobilizing anti-Chinese sentiment of its people, convincing other countries about the threat of China. The Philippines also resorts to the alliance agreement with the US as an umbrella. It links the dispute of territorial sovereignty with freedom of navigation. The Philippines put out the initiative of Zone of Peace, Freedom and Cooperation.

He observed that Vietnam also internationalized the territorial disputes, mobilizing the US and other big powers and ASEAN to involve in the disputes. Vietnam also always refers to UNCLOS and the 2002 DOC.

Japan, though not a claimant in the dispute, increased its involvement in the South China Sea dispute. Japan supports ASEAN claimants, increasing security cooperation with the Philippines and Vietnam and wants to expand ASEAN maritime security issues to the East Asia Summit.

The South China Sea dispute now is mainly the strategic rivalry between the US and China in the region. The US wants to maintain its dominance in the region. It is happy to encourage anti-Chinese sentiment in South East Asia. China, in contrast, wants to expand its influence and kick the US out of the region. China is always annoyed with the US's presence, warning countries in the region about its increasing relationship with the US. As the competition between China and the US is increasing, ASEAN countries are placed in the middle of rivalry.

Regarding the DOC, Dr. Valencia shared the view that it is weak with no implementation, and lack of guidelines and enforcement mechanism. ASEAN is still in the process of drafting the COC. However, it is still not so optimistic when China still opposes to a binding COC.

**Senior Fellow, S. Rajaratnam School of International Studies, Singapore**

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Dr. Li Mingjiang focused his discussion on the COC only. He argued that all parties should agree that the DOC is not effective, but need to give the DOC another chance now that Guidelines to its implementations was agreed upon. He was the of the view that implementation of the DOC is important to move to the COC.

He said that part of the reasons why the DOC was ineffective was the lack of mechanisms to ensure its implementation, such as a monitoring scheme. Therefore, the COC needs to setup review mechanism on a regular basis at official or expert level. Dr. Li Minjiang said that attention needs to be paid to crisis or disputes management in order to mitigate risks, such as recent efforts to establish hotlines by Vietnam and China. The COC, according to Dr. Li Minjiang, should also encourage more confidence building activities, such as more communication and cooperation between claimants states law enforcement agencies.

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**Ambassador Hasjim Djalal**

**Director, Centre for South - East Asian Studies, Indonesia**

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Ambassador Hasjim Djalal continued discussion about the drafting of the COC by mentioning the diversity in the interests of parties concerned in drafting the COC. There are only 4 claimants in the region that have territorial concerns while 6 others have different interests. He started by mentioning Indonesian concern over the marine issues, which involves not only territorial disputes but also other marine issues such as piracy, terrorism, illegal fishing, etc. Indonesia would like to apply the COC to the archipelagic waters of Indonesia as well.

According to Ambassador Djalal, the COC should address the following questions: First, what should be the scope of application of the code? Should it cover only the South China Sea or other seas as well? Second, how should the COC be different from the DOC?

Should it take the form of a treaty? Third, what should be the role of the non-ASEAN members who uses the South China Sea? Should they also have to respect the COC?

Ambassador Djalal raised the question regarding the binding character for states that is a party to the COC but not a party to UNCLOS. As the COC is linked to UNCLOS, should the party to the COC be bound by UNCLOS as well? His second question regarding the enforcement mechanism - How the COC can be enforced in reality? If a party member violates the COC, would they be brought to the ICJ or any other international organizations? Or should the COC bind the non-party members as well?

Ambassador Djalal raised the idea that the non-claimants should bring the claimants to the joint agreement for a solution for the South China Sea dispute.

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**Nazery Khalid**

**Head, Center for Maritime Economics and Industries,  
Maritime Institute of Malaysia, Malaysia**

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Mr. Nazery Khalid started his speech by emphasizing the need to have a mechanism to deal with security issues in the region such as the South China Sea disputes. He stressed the need to have a comprehensive and all encompassing COC, covering from confidence building to dispute preventions measure, and should be able identify disputed areas.

He raised the idea that the conclusion of the COC should be made without prejudicing national strategic interests of countries. It should take into account geopolitical and geostrategic calculations of claimants. The COC should include the freedom of sea navigation, and should have a compliance mechanism. It should also be signed early in order to manage the sea dispute. He concluded by calling for the “sound of cannon to be replaced by the sound of reasons” in the South China Sea.

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**Carlyle A.Thayer**

**School of Humanities and Social Science, the University of New South Wales at the  
Australian Defense Force Academy, Australia**

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Professor Carlyle Thayer continued the discussion by focusing on the process of drafting the COC. He stated that the COC should not affect the claims of sovereignty by any claimant, creating the legal framework for all parties to solve the disputes. As a matter of fact, there are multiple claimants and non-claimants that have direct interests in the South China Sea, and therefore the COC should reflect the interest of all parties, the coastal states as well as land-locked states.

Professor Thayer also mentioned the fact that states in the region always refer to international law and UNCLOS. However, some states in the region do not strictly obey international law. He stressed that coastal states should draw the baseline based on international law and in order to do this, coastal states need to have legal experts and eminent persons to draw the baselines.

He stressed the role of ASEAN in maintaining peace and security in the region. ASEAN should demilitarize the area. Some weapons such as cruise missiles should be prohibited. In drafting the COC, the COC should be linked to the ASEAN Political and Security Community Council, reflecting the centrality of ASEAN.

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**Question and Answer Session**

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In the Q&A session, one participant from the ASEAN Secretariat updated the conference with positive news in the Bali meeting. The positive side is that in Bali China was not reluctant to talk with ASEAN on the COC. There were two DOC projects proposed, Vietnam proposed one project on search and rescue, China proposed one project on freedom of navigation in the South China Sea. The Philippines proposed meetings of claimant states. Earlier in the defense ministerial retreat in the Bali meeting, Philippines proposed an ASEAN Defense Ministerial dialogue on the South China Sea.

One participant from Brunei questioned the effectiveness of the DOC and supposed that it is symbolic since China already approached the issue through bilateral negotiation in the sense of establishing contracts with oil and gas companies of claimant states to secure resources. Professor Wu Shi Cun answered the question by stating three points: (i) no matter we are talking about implementation of the DOC or formulating the COC between China and ASEAN in South China Sea disputes, external states should not get involve for any reason; (ii) China promised to work together with ASEAN to start the consultation of building the COC. China is an equal party to the process. It has obligations, duty and rights to participate in the drafting process of the COC to ensure fair, just and transparent results of the COC; (iii) in comparison to the DOC, the COC is legal binding and is supposed to be crisis management mechanism not dispute settlement mechanism.

Responding to a question by a Japanese participant about activities taken by foreign navy ships or aircraft in the areas near Chinese coastline such as in the South China Sea or in the Yellow Sea, if those activities should be prohibited from the Chinese perspective, Professor Wu just answered that military activities in the EEZ in the China seas or South China Sea are arguable, and that was another story.

Responding to a question whether historical claims or modern claims are more problematic, Prof. Wu answered that it is necessary to clarify and make balance between historical and legal arguments.

Prof. Wu also further elaborated the exact meaning of this U-shaped line. He mentioned three arguments from China: first, it is the traditional maritime boundary line; second it is the line which China enjoys historical title; and third, it is the line of the ownership of all islands inside the U-shaped line. In his personal view, Prof. Wu also thought that this line should be the line of ownership of all islands and reefs inside.

Regarding the question about drafting the COC, Ambassador Hajim Djalal shared the problem of ASEAN when drafting the COC: not all ASEAN countries are claimants of the islands in the South China Sea; only four are claimants, six are non-claimant; therefore it was needed to bring parties together in the COC. The COC cannot involve all the issues such as territorial issues. It can involve issues such as peaceful efforts, operative mechanisms, freedom of navigation process (maritime issues), confidence building process

but not territorial settlement. What ASEAN could do is to encourage cooperative relationship among the various groups of interests, which are taking place.

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**Keynote Address**

**Ambassador Tong Xiaoling**

**China's Ambassador to ASEAN**

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Ambassador Tong Xiaoling presented her views on China – ASEAN relations and East Asia regional cooperation. She started by highlighting the activities to commemorate the 20<sup>th</sup> Anniversary of China – ASEAN Dialogue Relations, especially the Summit in Bali three days before. During the Summit, Chinese and ASEAN leaders hailed the significant progress and remarkable achievements of their cooperation and agreed that stronger China – ASEAN relationship and all – round cooperation would bring great benefits to the people of both sides as well as contribute to peace, stability and development of East Asia and beyond. In addition, the leaders drew a new blueprint for the future development of relations between the two sides and decided to deepen cooperation across the board, especially in the political, security, economic, social and cultural fields as well as major regional and international issues.

Talking about the past 20 years of relationship between China and ASEAN, Ambassador Tong Xiaoling highlighted unprecedented developments in the following five areas:

Firstly, political mutual trust gradually deepened. China - ASEAN leaders had entered into some cooperation treaties such as *the Treaty of Amity and Cooperation in Southeast Asia* and *Protocol to Southeast Asia Nuclear Weapon Free Zone Treaty*. Besides, leaders exchanged visits annually as family relatives.

Secondly, mutually beneficial cooperation achieved remarkable progress. Both sides carried out practical cooperation in over 20 areas, including trade, investment, agriculture and connectivity as well as building a variety of cooperation platforms, creating new engines of global economic growth.

She added that China is already ASEAN's biggest trading partner and ASEAN is China's third biggest, with China-ASEAN two-way trade of nearly US\$300 billion last year. China-ASEAN two-way investment has increased substantially, totaling US\$80 billion. By 2010, the stock of FDI from China to ASEAN has arrived US\$23.3 billion. China's outward FDI was predicted to increase rapidly to US\$2 trillion in the next decade, most of which will go to ASEAN and Asian countries.

Thirdly, cultural and people – to – people exchanges between China and ASEAN have become ever more lively. Both sides have put in place mechanisms and also vigorously conduct training programs for ASEAN countries, covering over ten fields including economic relations, trade, telecommunications, agriculture and finance.

Fourthly, China and ASEAN have always helped each other through difficulties and crises. Countries together managed to cope with the Asian financial crisis and the international financial crisis to devastating natural disasters including the Indian Ocean tsunami, Cyclone Nargis that hits Myanmar and the earthquake in China's Sichuan.

Lastly, the sense of coordination has been fostered and deepened. The continuous upgrading of ASEAN's relationship with China has boosted the development of the organization's ties with other dialogue partners, thus contributing to peace, stability and prosperity in East Asia, and becoming an example for regional cooperation in East Asia.

With those achievements during the long exploration and practice in the past 20 years, Ambassador Tong Xiaoling boiled down to some experiences and principles that can be of guidance to future growth of this relationship: (1) always respect and treat each other as equals (2) remain committed to the mutually beneficial cooperation for common development (3) keep pace with the times through innovation (4) remain committed to mutual understanding and mutual accommodation through friendly consultations.

Looking forward, Ambassador Tong Xiaoling asserted that China would remain committed to boost China - ASEAN strategic partnership to a new height, with specific key areas as follows:

First, further enhance political mutual trust and security cooperation. Both sides need to keep up frequent high – level contacts and interactions between the two sides, and intensify

exchanges at the government, parliament and political party levels so as to increase mutual understanding and friendship. Besides, it is necessary to expand and deepen security cooperation, promote the implementation of the *Joint Declaration of ASEAN and China on Cooperation in the Field of Non – Traditional Security Issues* and enhance cooperation in other security fields.

Second, further step up pragmatic cooperation in all fields. Leaders should see each other as an integral part of our respective development strategically, strengthen synergy and coordination of development planning, and affectively enhance industrial integration to turn China and ASEAN into an inseparable community of shared interests. She stated that China was ready to work with ASEAN to implement the second five – year *Plan of Action of Implementing China - ASEAN Strategic Partnership*. Moreover, in terms of Transport Cooperation China is also willing to continue supporting and to work with ASEAN to promote maritime connectivity on the basis of land and air connectivity so that this could become a new highlight in China - ASEAN cooperation.

About the South China Sea, countries all aware that disputes over the South China Sea are not as much a problem between China and ASEAN as an issue among China and a few claimant countries. China has all along vigorously supported pragmatic cooperation in the South China Sea, hoping that differences and problems could be addressed through cooperation to maintain the shared interests of all parties concerned. China believes that the room for cooperation across the board in the South China Sea is so big that China and ASEAN countries can live in peace, work for win – win results and benefit the people in their countries through cooperation.

Last but not least, further step up social, cultural and people – to – people exchanges. Both sides should work together to boost exchanges in tourism, education, culture, media, youth and other fields and increase understanding and friendship between peoples to become staunch supporters, active participants and true beneficiaries of China - ASEAN relations.

Ambassador Tong Xiaoling noted that Asia, particularly East Asia, was becoming the new center of the global economy by the day with the growth in 2010 of 9% and the proportion of Asia's economy in that of the world rose to 27.4%.

Currently, East Asian countries, especially ASEAN and China are faced with challenges like adjusting economic structures and enhancing capability of self – development. Both China and ASEAN should enhance the sense of urgency and responsibility and work to achieve long term development and prosperity of the region with development as the central task, cooperation as the path, win – win results as the goal, and collective efforts as the way to meet all the challenges.

China’s position can be interpreted from the following perspectives:

First of all, ASEAN is the pioneer of East Asia cooperation. China is ready to work with ASEAN to create a regional environment that features peace and stability, equality and mutual trust and win – win cooperation.

Secondly, East Asia cooperation shall stick to the central task of development. The fundamental goal of East Asia cooperation is to share the benefits of economic globalization and regional integration, enhance economic ties, deepen political mutual trust, improve living standards and promote the long term development and prosperity of East Asia.

Thirdly, the role of 10+3 cooperation as the main channel in the realization of the vision of East Asia Community should continue to be upheld. Continued efforts should be made to promote substantive progress in 10+3 cooperation in such fields as the development of East Asia free trade area, regional foreign exchange reserve pool, Asian Bond market and an emergency rice reserve. Special efforts should be made to guard against the recurrence of financial and monetary crises.

Fourth, regional cooperation in East Asia and even Asia – Pacific should be open, transparent and inclusive, and the cooperation framework should involve multiple mechanisms at various paces and different levels. The mechanisms, each with its own focus, should enjoy parallel development and reinforce and complement each other instead of attempting to replace or cover other mechanisms.

Fifth, China welcomes the United States and Russia to join the EAS and looks forward to their constructive roles in maintaining peace and stability in East Asia and promoting common development. On the other hand, countries from outside the region should respect

the independence and diversity of East Asia and follow the basic principles guiding cooperation in the region. She emphasized China's clear – cut position on political and security issues. China does not oppose decisions at the EAS about these issues, they believe that those discussion should aim at increasing mutual trust, maintaining stability and promoting solidarity.

In conclusion, Ambassador. Tong Xiaoling noted that the shared interests of China, ASEAN and other East Asian countries had become even more prominent under the new circumstances and regional cooperation would be more promising. She called for the consensus of all sides to join hand and work together to bring about a better future for China - ASEAN relations and East Asia cooperation.

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### **Session 3**

#### **Responsibility to Protect: Different views and Perspectives**

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#### **Chair**

#### **Tan Sri Mohammed Jawhar Hassan**

Chairman, Board of Directors, Institute for Strategic and International Studies, Malaysia

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#### **Mr Edward Luck**

United Nations Special Adviser on Responsibility to Protect

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In his presentation, Mr Edward Luck presented a comprehensive perspective on the Responsibility to Protect (R2P). In his view, R2P is a radical idea. The roots of R2P can be traced back to the history of Africa in the 1990s with experiences in Liberia, Sierra Leon, the efforts of the United Nations in Sudan, etc. and the formation of the African Union (AU).

The exact origin of R2P was found in 2005 at the World Summit where heads of states and governments agreed that they would protect their populations from the four crimes (namely genocide, ethnic cleansing, war crimes and crimes against humanity) and they would also do whatever they could to assist states and to help them to succeed. If the state fails to protect their populations from the four crimes, then the international community would have the obligations to respond in a timely and decisive manner should peaceful means be inadequate and should the normal legal apparatus, particularly the Security Council gives approval for those kinds of actions.

The foundation of R2P is very clear but the implementation raises both challenges and some opportunities.

According to Mr. Edward Luck, in only a few years since it was first pronounced by the international community in 2006, R2P has been implemented in all kinds of places and in all kinds of ways, eg. Kenya, Guinea, Kyrgyzstan, DRC, Syria, Yemen and Libya. Usually R2P was applied in public diplomacy, convincing the leaders to do what they should rather than trying to force them into doing it. Libya is the only time that R2P was associated with the use of force. But in the case of Libya, Mr. Edward Luck pointed out some dilemmas:

Firstly, the Security Council did not begin with the use of force in Libya. The response began with the Secretary General's calling to Gaddafi on the phone within 40 minutes trying to persuade him to take a different course and appointing a special envoy shuttling between Benghazi and Tripoli. The Security Council first tried to use the reference to the International Criminal Court imposing targeted sanctions but they didn't work. When Gaddafi's forces advanced to Benghazi, he promised that the blood would flow in the streets. The Security Council took notice of his words and agreed that it was time for sanctions to make a difference. So the Council took a different mood: authorizing the use of force.

Secondly, R2P was never tested in Libya but in fact it was a case of national government failing to meet the responsibility. It met the conditions of the crimes against humanity: If a leader decided to go to war against his people, it poses a very difficult choice to persuade him to go otherwise.

Mr. Luck observed that, the Security Council used and invoked R2P far more often than before since the two resolutions on Libya such as in South Sudan, Yemen. In addition to that, there have been a lot of quasi-R2P language of the Security Council, such as the cases of Cote d'Ivoire and Somalia.

In Mr. Edward Luck's perception, R2P is a very broad concept and if one tries to do prevention, it can be applied to a lot of different situations. Crimes against humanity, from the mass structured violence to forced displacement to murder all look like being systematically committed. Then it is the reason to invoke R2P.

Regarding the relation between R2P and regime change, Mr. Edward Luck viewed that in the cases of Gaddafi and perhaps Chad, Syria, it was about regime change. First, it gets regimes to change their behaviours. But if someone still determines to continue the war against his/her people, there may be other kind of measures taken. That is the heart of R2P. Trying to shift power from a leader to another is not a fundamental purpose of R2P.

Mr. Luck also pointed out that the UN was not selective, witnessing the fact that it acted one way in the case of Libya and acted in another way in the case of Syria. Both the Secretary General and the Security Council have been quite consistent on R2P. However, every case is distinct.

Back to the regional side, Mr. Luck said he was pleased to see CSCAP studies on regional and sub-regional arrangements and their involvement in R2P. Each region will implement R2P in different ways and in different pace. The Secretary General insists that each region moves forwards in its own way, its own pace depending on its institution, its history, culture and politics. Also, Mr. Luck stressed that there should not have regional re-interpretation of R2P but a global standard.

Mr. Luck also said the United Nations wants to see R2P moves to everywhere but in the pace and in the way that most comfortable for each region. He would encourage the work by CSCAP which made very important down payment. Mr. Luck also reminded many people are interested in the issue when first looking at the results in the killing field in Cambodia. Therefore we should respond beforehand rather than being too late.

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**Professor Alexander Bellamy**

Griffith University, Australia

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Professor Bellamy commented mostly about the works of CSCAP Working Group (WG) on R2P. In his view, the WG have had a general consensus on the meaning of R2P. The debate now is about the implementation of R2P. The study group chaired by Australia, Canada, Indonesia and the Philippines. It produces a report and a Memorandum of CSCAP, Memorandum 18.

The Memorandum identifies the shape for the regional consensus on R2P and relevant ways to implement the principle within the region, particularly on the potential frameworks of the ARF, the main player in implementing R2P in the Asia – Pacific.

Professor Bellamy pointed out four reasons to explain why it is important for regional institutions in our part of the world to take a role in implementing R2P: (i) it is important to foster regional ownership and localisation of the principle so that it is in consistent with other cherished norms in the region; (ii) it is a pathway for the cooperation between the region and the United Nations; (iii) it gives the region a strong voice on the responsibility to protect on global debate and in intra-regional dialogue as well as region-to-region dialogue; (iv) engagement in the implementation of R2P helps to build key national and regional capacities.

Regarding the meaning and scope of R2P, firstly, R2P is an international concept to protect populations from war crimes, genocide, ethnic cleansing and crimes against humanity and commitment to prevent those crimes; secondly, it is defined by progress that the 2005 World Summit talked about; thirdly, it is a concept rests on three equalling pillars: the responsibility of the host state to protect its own population; the responsibility of other states to assist the state in its primary functions and responsibility to take timely and decisive actions when the state manifests its failing; and fourthly, R2P is universal.

However, R2P is not a concept applied directly to natural disasters or armed conflicts or a new principle of international law. It is rather a political commitment to implement existing laws. It is not weakening state's sovereignty; it only strengthens state's capacity in

protecting their own populations. R2P does not permit behaviour that is inconsistent with the UN Charter, nor is it a violation of the principle of non-interference. R2P is being implemented in a wide variety of ways but most usual ways are to use diplomacy and non-coercive methods.

Based on that, the WG works on recommendations for what national governments might do, what regional institutions might do and what extra-regional organisations, particularly the UN might do. The key things are:

- (i) Establishing a regional risk reduction centre to conduct early warning risk analysis in cooperation with the UN;
- (ii) Strengthening regional capacity for preventive diplomacy;
- (iii) Considering works towards the establishment of some sorts of deployable capacity to prevent mass disasters;
- (iv) Encouraging provisional volunteer background briefing from states that are much relevant to R2P;
- (v) Strengthening prevention by strengthening the region's implementation of the UN programme action on small arms and light weapons;
- (vi) Establishing a consolidated mechanism on capacity building and making the ARF Eminent Persons Group supports the work of the ARF in this area.

In Professor Bellamy's point of view, all of the above would deepen the relationship between the UN and the region. Therefore, in terms of the next step, the WG is asking for a 30-minute-briefing to regional SOMs to brief about the findings and also publishing a report details on how dialogue might be advanced.

In terms of where we are, Professor Bellamy pointed out that R2P itself is not much discussed in the region but there are positive movements such as the UN – ASEAN joint declaration, the discussion of ADMM+ about strengthening regional coordination in peace keeping and developing regional capacity to respond to the emergencies when they emerge; the region's serious consideration about deploying and using some capacities to assist states in areas such as: responding to disasters and managing conflicts. Finally, Professor

Bellamy concluded that progress has been made. CSCAP has contributed to that progress and it should continue to do so.

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**Dr. Vannarith Chheang,**

Director, Cambodian Institute of Cooperation and Peace, Cambodia

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Dr. Vannarith Chheang agreed with Mr. Edward Luck that we should not allow the Libyan situation to overshadow the progress of R2P. In addition, he presented two explanations why R2P really matters for the region:

Firstly, Southeast Asia region also experienced R2P crimes. It was the Cambodian case with the killing fields from 1975 to 1979. This kind of past experience and what has happened in the region make R2P really matter: How can we prevent such crimes in the region in the future?

Secondly, the Indonesian chairmanship this year brings a new theme to ASEAN: “ASEAN Community in a Global Community of Nations”. So it is time for ASEAN to play its global role. In order to do it, ASEAN needs to find some kind of competitive products to export and share with the world. One of the products is R2P since the region has learned/experienced this crime.

However, in Dr. Chheang’s view, we still face a lot of challenges:

Firstly, it is the mindset of fear of colonialism and intervention into domestic affairs. But on this point, Dr. Chheang thinks it is a misperception and we need times to integrate R2P into the discourse of regional politics and diplomacy.

Secondly, the concept of R2P is quite new so not many people in the region understand much about R2P. Some NGOs link R2P with humanitarian problems like natural disasters, food security, or everything as long as they think states can intervene and can protect.

Lastly, there is the priority issue: Is R2P a priority for ASEAN or does the group have other priority issues rather than R2P?

To deal with these challenge, Dr. Chheang suggested that we should create more platforms to generate more dialogues and discussion to create understanding and to build confidence and trust among regional countries. It is really important to support state capacity and preventive measures should be prioritized in this regional cooperation framework.

Dr. Vannarith Chheang also agreed that we should create a regional network of R2P. An Asia - Pacific Risk Reduction Centre should be created in affiliation with the ARF or with ADMM+, or the ADMM+ can create another working group or under the current working group on PKO by inserting R2P into that big framework of PKOs. An early warning system should also be created to make sure that our region is resilient and capable of preventing R2P crimes and of contributing to the prevention of R2P crimes in other parts of the world.

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**Mr. Craig Strathern**

International Committee of the Red Cross

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Mr. Craig Strathern started his discussion by stressing that protection is something has been at the heart of ICRC activities since its inception 150 years ago. In his point of view, the notion of R2P has been debated and developed in the UN and other international forums.

Mr. Strathern stressed that the ICRC has followed very closely the debate on R2P without taking a general stance on the concept as the ICRC is an important humanitarian actor in conflicts and other situations of violence that binds to the principle of neutrality and independence, being particularly careful not to engage in controversy of political nature. The ICRC is particularly very careful about not to be exploited, not to appear as an instrument for R2P implementation.

According to Mr. Craig Strathern, the ICRC perceives that a comprehensive response to protect people involves different roles and responsibilities of the political powers, military forces and police, the juridical power and the role of law and humanitarian actors. In some circumstances, these actions may be complementary, but they can also neutralise those of others, which may give the consequences to the people they volunteer to serve. The

meaning of the actions taken should be based on general assessment of victims' best interests.

Positively, the ICRC very much welcomes the will to create better protection of people against the most committed crimes and the rationale of the concept which is able to overcome political differences among the states by taking sweep actions to ensure these crimes will not be committed or cease to be committed as quickly as possible. R2P interpretation of sovereignty is not only an attribute in defining rights, but also in entailing important duties and responsibilities of a state to protect its persons or people under its legal or de facto control. The notion of R2P has also reminded all states of their collective responsibility to prevent attacks against disarmed and helpless people and contribute to revise the obligations under international law, particularly the international humanitarian law.

The risk, firstly in Mr. Strathern's view, is the politicisation of the UNSC that may apply selected approaches to the concept, particularly when implementing the third pillar of the UN Secretary General's strategy including military intervention. This could well be detrimental to the very notion of protection.

Secondly, despite the findings of the CSCAP Working Group that R2P is not weakening state sovereignty, there may well be a perception that this is the case and this may potentially trigger rejection of all forms of humanitarian endeavour.

Thirdly, protection may be understood as limited to the four crimes included in R2P concept but the scope of state's obligations is wider under international humanitarian law and human rights law in general. According to the common article one of the 1949 Geneva Conventions, states have duty to bind respect and to ensure respect for international humanitarian law (IHL). In addition, it refers to joint or individual actions in cooperation with the UN and in conformity with the UN Charter in situation of serious violations of international humanitarian law. These requirements are independent from R2P concept and states remain bound by them.

Fourthly, the use of force to protect civilians possibly may create collateral victims and further deteriorate the situation of the population most in need of protection.

Fifthly, debates on the implementation of R2P may reverse attention from the main issue, which is the protection of the victims of conflict.

Finally, humanitarian actions, particularly ICRC notion of neutral and independent humanitarian actor (NIHA) is being potentially inflicted by politicisation and compromised by associations. The objections of NIHA are to access to people affected by conflicts and other situations of violence with an impartial view with the response to their need. Such access is only possible with the acceptance of all parties to the conflict. It is key that humanitarian provider is not perceived as a threat to any of the parties involved. Consequently, a clear distinction must be made at all time between NIHA and the notion of R2P. Political collocation of humanitarian assistance and protection and the blurring of lines between political consideration and humanitarian action may jeopardise that concept of neutral of humanitarian action.

According Mr. Craig Strathern, the ICRC draws a distinction between its activities, particularly protection activities and those regarded as part of R2P. ICRC acknowledges that the use of force may be relevant as the last resort to respond to humanitarian crisis. However, in Strathern's point of view, resorting to military intervention to protect civilians should never hinder the possibility of states' involvement to fulfil its own obligations of IHL or for organisations such as the ICRC to fulfil their protection mandate. Craig Strathern strongly believes that the application of new IHL treaty is an important factor that contributed to the nation's capacities to protect its people. In view of this, the ICRC will keep on promoting the ratification of IHL treaties as well as encouraging and assisting states to incorporate their national legislation which directly links to state's capacity building.

In his last point, Mr. Strathern stated that states appear to be very willing to participate in future dialogues on new avenues to strengthening international humanitarian law. Indeed, in one week's time, the international conference of the Red Cross and Red Crescent will

consider the subject with particular focus on the protection of persons and their liberty and the actual implementation of IHL.

Finally, Craig Strathern expressed his further hope that members of CSCAP will also actively engage in this dialogue in the coming four years. His colleagues at the ICRC delegations and offices throughout the Asia-Pacific are eager to support the region's endeavour. He also hoped the region's assessment of the security challenges facing the region will focus not only on matter of political nature, but will take into account the humanitarian dimension.

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**Mr Kavi Chongkittavorn**

Assistant Group Editor, The Nations, Thailand

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As a journalist, Mr. Kavi Chongkittavorn stated that talking about R2P is very difficult and that there are a lot of works from the media side about R2P.

From Kavi Chongkittavorn's point of view, the Libyan crisis has really buzzed the concept of R2P. Observing that since 2005 R2P has been mentioned in many UNSC resolutions, Mr Kiva Chongkittavorn saw them as very high diplomatic measures that really help to stop the situation from spilling out of control.

However, in ASEAN, people are very suspicious and sensitive about it. ASEAN was carefully looking at the conflict between Thailand and Cambodia and the ASEAN Chair could only facilitate the dialogue instead of playing the role of a "mediator" because ASEAN has not yet given that mandate to the chair.

Like many other parts of the world, Southeast Asia also has different calamities. Last week, ASEAN adopted the Bali Concord III which urges ASEAN to come out with much more shared vision and joint actions. Though the ASEAN Charter does not exactly include R2P but for the first time ASEAN talks about collective responsibilities and Kavi Chongkittavorn hopes it would lead to the development of R2P as a shared norm and common action.

In fact, one can also argue that R2P was put into action as in 2008 Myanmar agreed to sign an agreement with ASEAN in which ASEAN led the international humanitarian relief of the victims of cyclone Nargis. At this point, Mr. Chongkittavorn thinks R2P was put into good use and that the rapid reform inside Myanmar was also the outcome of ASEAN's engagement after the cyclone Nargis.

In conclusion, Mr. Kavi Chongkittavorn believes that ASEAN would take a positive view about R2P in the future. In that senses, the question for the media is to understand the situation and report about it earlier because the essence of the report will be able to allow the leaders around the world community to access the situation better.

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### **Question & Answer Session**

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In the Q&A Session, the audience and role players extended their discussions mainly on the new developments within ASEAN about human rights, the responsibility of neighbouring countries in case of R2P, the role of the UN behind the scene in addressing R2P crimes, criteria to define whether an action meets the conditions of R2P and the scope of application of R2P.

Concerning the role of ASEAN, a representative from the Ministry of Foreign Affairs of Indonesia updated some developments within ASEAN about human rights. ASEAN is now developing its own instruments and mechanism for addressing human rights incorporated within the political and security pillars as well as the socio-cultural pillar. The idea was shared by Mr. Kavi Chongkittavorn from Thailand, who also believed that though it would take some time for ASEAN to integrate the concept, R2P is an important development and ASEAN will have a huge role to play with R2P to heighten its profile in the UN. At this point, Dr. Vannarith Chheang from Cambodia also added that, as the ASEAN Chair next year, Cambodia would probably discuss R2P and moreover, ASEAN in fact has taken steps towards integrating R2P in the region.

On the responsibility of neighbouring countries in case of R2P, Mr. Edward Luck pointed out that in case there is a conflict in the region, regional organisations should address the issue first and if they fail, the issue will then go to the Security Council. However, now the

process has often been reversed. Mr. Luck also stressed that neighbouring countries should take some responsibility as they are often affected by a particular conflict. In fact, there are a lot of cases people never hear about because of successful prevention by the neighbourhood. About 90 – 95% of the cases were not submitted to the Security Council and the cases of Libya and Syria are just the top of the iceberg.

On the role of the UN, Mr. Edward Luck pointed out that, on the UN Secretariat side, they acted very quietly. There may have some public diplomacy on the surface but in fact, there are a lot of quiet discussions. The UN has the presence on the ground in many places and a lot of offices try to focus on early warning based on their assessment of the state of stress or conflict. So in all of these cases, the UN work in partnership with regional and sub-regional organisations.

With regard to the criteria of R2P, Mr. Edward Luck extended that in terms of application, war crimes do not fit very well with the other three. The other three crimes are sort of pretty clear in international law but war crimes are a little bit different because it is a process. There are times in war crimes, the action committed is not a mass atrocity, but just an individual act. So the problem is when we deal with prevention, these things have not happened yet. Crimes definition is not the problem but the prevention side is more of judgment core.

For legal and political aspects of R2P, Mr. Edward Luck said R2P is a political construct and principle to help implement international law. It creates the shift in concern simply from state security to the security of populations. R2P is not humanitarian intervention in nicer word. The concept of R2P would be an alternative to humanitarian intervention. Humanitarian intervention did not have the preventive side. It is reactive while R2P is much more proactive. At this point, Professor Alexander Bellamy added that the role of the Security Council is one of the key differences between humanitarian intervention and R2P with the use of military force. With R2P, the use of military force is only legitimate with the authorisation of the Security Council but humanitarian intervention is more flexible.

As pointed by Mr. Edward Luck, R2P is not defined case by case. One of the reasons why the Security Council acted so differently between Libya and Syria because the Council got different feedback from the region about each case.

Regarding the scope of application of R2P, both Mr. Edward Luck and Professor Alexander Bellamy noted that R2P is applied to populations, not citizens. Population includes citizens, refugees, migrants both legally and illegal. If they are on your territory, you have the responsibility to protect them.

Finally, concerning the question about excessive use and abuse of R2P, Mr. Edward Luck pointed out that R2P is a political concept so its discipline comes from political means. R2P is not trying to revise the legal status of the principle of non-interference, too, as professor Alexander Bellamy noted.

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**Session IV**

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**Water: Source for Future Development, Not Contention**

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**Chair:**

**Ambassador Yoshiji Nogami,**

President of Japan Institute of International Affairs, Japan

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**Professor Brahma Chellaney**

Centre for Policy Research, New Delhi, India

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Professor Brahma Chellaney started his presentation by stressing that water is the most important natural resource. Today the world is in the course of a new era of serious water shortages and Asia is very much at the center of these challenges.

In his presentation, Professor Brahma Chellaney sought to address three specific questions. First, are there risks of water conflict in Asia or in the world? With Asia becoming the

scene of increasing fears of intra-state and inter-state water competition, the answer is clearly yes.

Today, the fastest growing East Asian economies are of water stress including China, India, Vietnam, South Korea and Indonesia. Just three or four decades ago, these economies were free of water stress. That fact shows how dramatically the water situation has changed. In three or four decades ahead, the situation of water in Asia will exacerbate, creating immense implications for international relations and rapid economic growth.

Professor Chellaney observed that Asia's water map had fundamentally changed after the communist victory in China in 1949. Almost all of the important international rivers in Asia originate from the territory which was forcibly annexed to the PRC. The Tibetan Plateau is the world's largest fresh water deposit and the source of Asia's main rivers inflow to mainland China, Southeast Asia, South Asia and even to part of Central Asia. Factors behind Asia's water crisis are growing population, high development, low water efficiency and productivity, growth of irrigation and finally the storage of river water by dams, reservoir... and other human made structures without factoring in long term environment calculations.

Additionally, Professor Chellaney pointed that global warming, which leads to the rise in ocean level, is another water security problem facing Asia. In Asia, the coastal areas are also the economic boom areas. Asia as a whole is really vulnerable to water disasters. The over damming of rivers is causing the retreat of Asia's 11 heavenly mega-deltas which are feeding by the rivers originating from the Tibetan Plateau. These mega-deltas are also home of mega-cities like Shanghai, Guangzhou, Bangkok, Dhaka, and Karachi... So, how Asian states can prevent the water security from becoming the tip point for all conflicts?

National dependence on cross border water inflow is very high in Asia. There are 57 trans-national river pieces in Asia. But the vast of all of them have no water sharing or other cooperative treaty in place. In professor Chellaney's point of view, the central challenge for Asian countries is to bring China on board. Unfortunately, China rejects the notions of water sharing with down river countries. China does not have a single water sharing treaty with any neighbouring country. China deflects the tension to share water by flaunting to

share statistical database on river flows. These are not agreements to cooperate on sharing of water resources but rather the commercial contract to show hydrological data that other upstream countries normally provide freely to downriver countries.

In conclusion, Professor Chellaney noted that the political obstacles in Asia of course would be on China. Giving China's centrality, its unique status and role, it will not be possible to transform the Asian competition into cooperation without China's active participation in water institutions. The absence of institutionalised cooperation mechanisms in many Asian river basins is a security risk, raising the likelihood of geo-political tension and instabilities. With this magnitude of inter-country river basins, Asia cannot continue to prosper without building political and technological partnerships to help stabilise international relations, to encourage greater water efficiency and to promote environmental sustainability.

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**Professor Mikiyasu Nakayama**

CSCAP Japan

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In his session, Professor Mikiyasu Nakayama presented two components: first, the recent development in trans-boundary environmental impact assessment and second, the integrated water resources management.

About the Environmental Impact Assessment, it is supposed to be a tool for information transparency and confidence building among countries or among related institutions regarding the construction of new water works.

In the Mekong River Basin, the development of the Trans-boundary Environmental Impact Assessment Guidelines has been agreed upon by member states of the Mekong River Commission back in 2008 and member states are talking about development of the guidelines similar to the one in the Caspian Sea with two components are being considered including the notification about the planned projects and results of the trans-boundary environmental impact assessment. At this point, Professor Nakayama noticed that member states seem to have less difficulty to agree to the former than the latter.

Professor Mikiyasu Nakayama referred to the new judgment by ICJ about the dispute between Argentina and Uruguay about Uruguay's construction of a pulp mill on the coast of the Uruguay River. The judgment mentioned that carrying out a trans-boundary environmental impact assessment is now part of the general international law. This could be the instrument for member states of the Mekong River Commission toward the latter component of the trans-boundary environmental impact assessment framework.

About the Integrated Water Resources Management (IWRM), Professor Nakayama noted that the concept of IWRM, namely taking a holistic (or multi-sector) approach in managing water resources is now well understood and practiced. Some of the water problems cannot be solved by only looking at water. That means trade-off between sectors may lead to a solution. More regional economic integration means less conflict among riparian states.

In conclusion, Professor Mikiyasu Nakayama proposed that a balance sheet should be made for the region by taking a multi-sectoral approach:

- Upstream countries may compromise with downstream countries about provision of water.
- In return, downstream countries may provide upstream countries with cheap electricity, free access to sea ports, access to market, etc.

In that sense, non-water sectors should be put into calculation of the balance sheet towards an agreement among countries.

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**Professor Zhou Shichun**

Department of Environmental Protection, Hydro China Corporation, China

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Emphasizing the importance of water, Professor Zhou Shicun started his presentation by saying that water is the most precious gift the nature gives us. If there were no water, there would not have been our blue globe.

In the first part of the presentation named "understanding the water resources in MRB" (MRB - the Mekong River Basin), Professor Zhou Shicun noted that in the South West of

China, there are some important international rivers and China is the upstream country. The South West region is also the region with the best water quality. He then went into details about the Mekong River and its importance to countries in the region.

Professor Zhou noted that, there are some challenges in MRB regarding water resources, including the lack of water service provision, insufficient infrastructure on the Mekong Basin, flood management and drought management, and basin development plan, meeting the needs of hydropower, fishery, irrigation, navigation, environmental protection, etc.

In the second part of his presentation, Professor Zhou Shicun updated the situation of hydro power development in the Lancang River (the Mekong River) by stressing that recently, China increases the transparency of hydro power development in international rivers. The hydropower development planning for the middle - and lower - Lancang River was approved by the Chinese government in 1987. Eight cascades hydropower stations were planned. The development tasks are: giving priority to power generation, while combining benefits such as navigation, flood control and water supply. To date, there are dams which are constructed or under construction along the Lancang River:

- 1) Gongguoqiao Hydropower Station is intended for impoundment this September and its first generating set will be put into operation in the following October;
- 2) Xiaowan Hydropower Station have gone into operation, and in September this year, the Phase-IV water storage project will be implemented to reach the normal pool level;
- 3) Nuozhadu Hydropower Station is going to initiate impoundment this November, and bring its first generating set into operation in July next year;
- 4) Ganlanba Hydropower Station has launched construction site preparations and works of access to water, power supplies and transport;
- 5) Mengsong Hydropower Station has postponed its development in order to maintain the passage to Buyuan River for migratory fishes though the local government and community have strong desire to build it.

About China's efforts for sustainable development in the region, Professor Zhou Shicun observed that as an upstream country in the Lancang—Mekong Basin, China has been adhering to the sustainable development strategy, paying equal attention to development and conservation, and taking account the interests of both China and downstream countries in exploiting the hydropower resources of the Lancang River. Environmental protection measures are being implemented as planned include spoil yard landscaping measures, accessing road landscaping measures, slope landscaping measure and stone retaining wall at gravel yard.

In recent years, China also strengthens its cooperation in international rivers with countries such as India, Lao, Myanmar, and Thailand.

MRC delegation was invited to visit Jinghong and Xiaowan in June, 2010. Also, there were some meetings and conferences relating to the Lancang – Mekong Rivers, such as: the 1st, 2nd and 3rd Regional Stakeholder Forum on Mekong Basin Development Plan; The CSCAP Study Group on water security, held in Hanoi, Vietnam in 03/2011 and Siem Reap, Cambodia in 07/2011; the 16th Dialogue meeting of MRC, held in Vientiane on 29/8/2011 and; the 4th China - Japan Mekong River Sub-region Policy Dialogue, held in Tokyo on 01/9/2011.

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**Ambassador Somkiati Ariyapruchya**

CSCAP Thailand

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Citing the fact that he had just come from Bangkok which was suffering from flood, Ambassador Somkiati Ariyapruchya shared the experience of Thailand in dealing with the issue of water. He stated that every year, Thailand has to deal with floods in about 4 months, which cause big damage to infrastructure and economy. Only in this year, the damage of flood would be half of GDP, directly affect industrial estates and the production of computer chips and cars in Thailand particularly as well as the global production chains generally.

According to Ambassador Somkiati, the water itself is not a problem. The key is management: How to build appropriate dams and how to manage and use water properly.

When water is used, it would be beneficial for some stakeholders but others would suffer. That is the point of contention. Therefore, it is important that the use of water should be all for development, not for contention. But how do we do that?

To find the answer, Ambassador Somkiati took the example of the on-going flood in Thailand. In Thailand, the flood comes from natural factors as well as global warming. But people forgot to manage it. In the past 50 years in Thailand, there are a lot of canals constructed with the purpose of bringing benefits to the Bangkok region. But in the present day, because of modern technology and modernisation process, housing and real estates are being developed. And that is the problem, the problem of land use.

Ambassador Somkiati also proposed ways to eliminate contention. According to him, there must be consultation among stakeholders. In the Mekong River Commission, all the riparian countries should be included. At the moment, China and Myanmar have not yet been members of the Mekong River Commission. They should think about becoming members so all the stakeholders can talk and consult. Furthermore, there must be cooperation in different areas of development and additionally, the transparency of data is very important, too. In conclusion, Ambassador Somkiati noted that, in all international rivers, there should be organisations which follow the best practice of dispute settlement. The process should be put in place and then we do not have to worry about contention.

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**Dr. Le Huu Ti**  
CSCAP Vietnam

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In his presentation, Dr. Le Huu Ti summarised his points of view on water security in the following points: *Firstly*, the Asia-Pacific is facing an increasing threat of water security. *Secondly*, institutional mechanisms need to be strengthened for regional cooperation, water resource management and especially to recognise possible problems in several areas in the Asia-Pacific. *Thirdly*, there are also several positive developments in water security in the region. *Fourthly*, many challenges from water resources can be overcome through cooperation in water resource development, including infrastructure development. *Fifthly*,

increasing cooperation can lead to reduction of contention and; *Finally*, water security is pre-condition for sustainable socio-economic development in the Asia-Pacific.

Dr. Le Huu Ti shared his views on possible follow-up actions on water security. He noted that conflicts over water often come from both the real evidence of impacts as well as the perception of possible impacts. Dispute over water are closely linked to the lack of mutual understanding and the lack of mutual trust. This perception is often generated by the lack of detailed technical knowledge and the lack of scientific evidence of possible impacts. Good practices and successful stories underline the importance of willingness and acceptance to achieve common water security. This fact highlights the importance of confidence building measures and commitment to mutual accommodation as a foundation of building mutual trust. Mutual accommodation, mutual understanding and mutual trust on water security are key elements of water secured culture.

For better water security, Dr. Le Huu Ti proposed that actions must be taken at 3 levels: regional, national and local. For the region, we need to build and develop a water secured culture. As a region's leading track 2 organisation for promoting cooperation and dialogue on regional security issues, CSCAP is certainly one of the best organisations to promote water secured culture in the Asia-Pacific. In order to sustain actions at these three levels on water security, it is important to have regional strategy focusing on strengthening or building a regional architecture on water security. Possible roles of such a regional architecture would include the followings:

1. To promote actions to turn potential water conflicts into opportunity for development cooperation
2. To promote the integration of regional and international initiatives into well coordinated programme actions. We must recognise that we are not the only organisation talks of initiatives.
3. To build a regional capacity for a "water secured culture region".

In order to build good practices, Dr. Le Huu Ti recommended two points for possible actions after the 8<sup>th</sup> General Conference of the CSCAP:

1. As an architect of CSCAP, ASEAN may wish to consider the possibility to initiate a programme on building a regional architecture on water security. In this connection, ASEAN may wish to consider the opportunity to link up with other regional initiatives on water security that will be discussed at the second Asia Pacific Water Summit to be held in Bangkok in 02/2012.
2. Built on the interest generated by the work of the CSCAP Working Group on water resource security, the four co-chairs: CSCAP Cambodia, CSCAP Japan, CSCAP Thailand and CSCAP Vietnam may wish to take concrete actions towards improving water security in the region. In this connection, the establishment of the network of water security research centers will help building water secured culture and improving water security in the region.

At the end, Dr. Le Huu Ti recommended that the network of water security research centers should be built on the existing linkages within ASEAN countries and network of universities as the teaching on water resource management could promote that cooperation. Vietnam, as the host of the meeting, can play a good role, especially because Vietnam has a fully devoted University of Water Resource and long experience in turning water resource with flood management into productive system for development including the thousand years experience of flood control and management in the Red River and the most productive area of Mekong Delta.

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**Mr Mark Brindal**

CSCAP Australia

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Mr. Mark Brindal started his presentation by noting that water security is a danger and dilemma. Citing the map of water security in the region, he pointed that China now has a real problem with water security. So do India and Australia.

Mr. Mark Brindal also pointed that half of the hospital beds of the world, as estimated by the WHO, are occupied by people suffering from water-born diseases. In the MRC region of the Mekong, there are existing and proposed dams on the main stream. China often talks about how their dams would help to control flooding and the Chinese government has the

objective of helping people in the lower reach to the basin. But if we consider the basin as a whole, something like 60% of the water of the Mekong come not from China, but from Thailand. Therefore, if the dams are being built in consideration of the need of the people of the region, may be the first dam should be built somewhere in Thailand rather higher up because in theory it can contain 70% of the water in comparison to the smaller percentage that China is attempting to do.

Mr. Mark Brindal raised some questions about water security and the role of the state: What if the protection of the citizens of one nation is, in respect of the shared natural resources of the region, at the expense of the peoples of another nation? When do such acts constitute acts of aggression or environmental terrorism?

In Mr. Mark Brindal's points of view, international water law is maturing but it is only effective when states bind themselves to its principles within the framework of international law. Amongst the most important principles, however, are two very important principles for water in around the globe, not only for this region: Equitable distribution among all of the nations and minimum, no harm to downstream states. These are the principles of international law but the principles have yet to consider the transportation of sediment. Vietnam may not need the water from Thailand as much as the water from the Tibetan Plateau because that water is what nurtures the delta, making Vietnam the rice bowl of the region and no law yet considers the sediment in the water is a benefit to the downstream nation.

So, the solution is cooperation. We can therefore demonstrate at least two effects here: Policy formation will be affected by the ability of any interest group to influence, disproportionately, the deliberations of the policy makers, for example through public opinion, lobbying, sound rational argument, bribery. Notwithstanding this, there are inherent competing interests within institutionalised structures which, if ignored, must diminish any organisation's ability to produce the best policy solutions. Sovereignty effectively cements rather than dissipates competing/territorial interests. How about other solutions? The other solutions may include: engagement, empowerment and education and those solutions should all be done at a whole basin level rather than sovereignty level.

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## Question & Answer Session

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In the Q&A session, the discussion was extended to dimensions of water security issue including the impacts of the Xayaburi dam, river flooding, the role of China, solutions to reduce the possibility of water conflict and the problem of water pollution.

About the Xayaburi dam, a representative from University of Sydney, Australia updated information about the dam after his study tour to the Mekong River basin. According to the update, there are evidences that the effects and impacts of Xayaburi and other 11 dams in the Mekong River are quite severe. If all of these dams are built, the flow of water in the downstream would be stopped and life of the delta will be distorted. It would cause a humanitarian disaster due to the effects on fishery and food security, thus will damage the political and security stability of the region.

About river flooding, according to Dr. Le Huu Ti, flooding cycle is critical to all tropical river systems. If you destroy the river flooding cycle by damming the river, you will destroy the river. Every year, tropical river systems overflow the banks and by doing so, they bring nutrients to farmers and fishermen. The second issue is that in the era of increasing water stress, the upstream area of the river will become a politically divisive issue. If you build dams that alter river flood, then you will cause an political problem in the era of water stress.

Regarding the role of China, Mr. Mark Brindal noted that China has more expertise of building dams than any other nation on Earth contemporarily. But the region wants China to build these dams in one or two weeks without destroying the eco-system. To do so, a regional cooperation must be agreed. Also regarding China's role, Professor Zhou Shicun added that China is an important upstream region in South Asia and Southeast Asia. But South China is also at risk of water resources. Water supply is very limited in South China. China's investment in South West China region is only for hydro power. Hydro power consumes no water so they can't cause a shortage of water in the downstream basins. Therefore, there is no water conflict between China and downstream countries. In addition, to increase mutual trust, mutual confidence and promote mutual benefits between the

downstream and the upstream countries, in recent years, China has urged for cooperation and exchanges with regard to hydro power and water security.

About solutions to reduce the possibility of water conflict, Professor Brahma Chellaney stressed that there must be some kind of investigation of water impact assessment before any dam can be built. If there is dispute, there should be talks for parties to write out differences among themselves, or go to the International Court of Justice in order to get some ruling. This is the whole process that should be done. We should make sure all the stakeholders are happy with the outcome. Dr. Le Huu Ti also added that confidence building is of great importance. We can build confidence among river states by looking at their water law. Moreover, cooperation in building confidence in other sectors, non-water sector should also be very critical to water secured culture.

In regard to the issue of water pollution, Dr. Le Huu Ti added two points: the first is that the region is facing a crisis of water pollution. Everyday, there is around 250 million litres of untreated water running into river system. To treat this polluted water, the investment requires 100 to 750 billion USD. The second one is that conflict prevention is much more effective than conflict resolution or conflict settlement. So we should have water secured culture rather than a conflict settlement mechanism.

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### **Dinner Talk**

**Ambassador Seomadi Brotodiningrat**

**Special Advisor to and representing the Indonesian Minister of Defense**

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Ambassador Brotodiningrat started by conveying the Indonesia's Minister of Defense's greetings to the Conference and apologies for not being able to come personally, and expressed his pleasure to share some thoughts of Indonesia in serving as the chair of the ASEAN Defense Minister's Meeting (ADMM) in 2011

First, he recalled ASEAN's cautious approach with regards to defense and security relationship and cooperation, as reflected in the Bangkok Declaration 1967, ZOPFAN statement 1972 and Bali Concord I 1976 which mainly contain normative statements reflecting reaffirmation of existing principles rather than formulation of serious plans to cooperate. This may be due to two reasons: (i) defense and security were considered as the core of national sovereignty which ASEAN members have always held dearly, hence its sacrosanct and (ii) existing defense and security problems between ASEAN members were too sensitive to be dealt with openly.

This cautious approach, however, did not mean a total absence of defense and security cooperation, as evidenced in the statement in the Bali Concord I of 1976, and the creation of ARF. With the creation of ARF, cooperation in defense and security in ASEAN jumped from bilateral level to a level beyond ASEAN, but still lacks ASEAN's level cooperation.

Ambassador Brotodiningrat reviewed the ADMM's first five year plan and noted encouraging progress including an agreed three-year program, the focus on non-traditional security issues, the expansion of cooperation with non-ASEAN partners to effectively address "a set of common global security challenges, both traditional and non-traditional". Vietnam's chairmanship of ASEAN was marked with its successful establishment and inaugural meeting of the ADMM Plus Ministerial meetings and ensuring ASEAN centrality. Even though the ADMM Plus offered an interesting forum for defense and security dialogue, it has been immediately geared to become an instrument for practical cooperation in areas such as maritime security, peacekeeping operation, counter-terrorism, HADR, military medicine.

Regarding Indonesia's chairmanship of ASEAN and also of the ADMM, Ambassador Brotodiningrat viewed that it achieved the following progress: First, a second Three-Year Program, which was more ambitious than the first one, was adopted to ensure the systematic continuation of the ADMM process. Second, ADMM agreed on standardized format for the ASEAN Security Outlook (ASO) project. Third, it also agreed to explore the possibility of ASEAN collaboration in defense industry. Fourth, ADMM decided to commence efforts to establish networking of peace-keeping centers which exist in a number of ASEAN member-countries.

Ambassador Brotodiningrat provided some details about sideline discussions on the South China Sea and the Thai-Cambodia border conflicts. With regards to the South China Sea, some members wanted a strong ADMM's expression of concern over the rising tensions in the area, and urged that all sides refrain from the use or show of force. The ADMM agreed to have two paragraphs in the Declaration, one borrowed from a previous statement stressing the need for peace and stability as well as freedom of navigation and overflight in the South China Sea, and the other expressing the support of ADMM to the implementation of the DOC and to efforts to negotiate a Code of Conduct (COC). Regarding the Thai land - Cambodian border issue, the ADMM provided a useful opportunity for the Chair to play its role in helping the conflicting parties to resolve the problem, or at least, to help prevent the outbreak of military conflict between them.

Ambassador Brotodiningrat provided some points of reflection from the one year of chairing the ADMM. First, it was certain that ASEAN managed to strengthen its political will to integrate defense and security into its processes and to embark on serious collaborative undertakings in these fields. Second, the ADMM and its related forums, where top level defense and military officials interact directly, did offer unique opportunities to facilitate problems solving and to bolster cooperation. Third, the new concept of security that included non-traditional threats brought a positive influence. Fourth, sensitivity still remain and the ASEAN processes have not yet shown their expected effectiveness in dealing with more traditional security issues, such as territorial disputes. Fifth, ASEAN quickly expanded its collaborative undertakings to include external parties. Sixth, at the same time, ASEAN's core interest was to remain at the driver's seat and retain its centrality, and that ASEAN had so far been successful in meeting this objective, not because of its strength but because of its partners' trust and confidence. Seventh, institutionally, the addition of ADMM and ADMM Plus made the regional security architecture more crowded. Ambassador Brotodiningrat viewed that sooner or later, it was necessary to discuss this increasing institutional density and find way to make the whole architecture more effective. Eighth, Ambassador Brotodiningrat thought that the architecture was important but not enough to achieve the objectives, and that political will and cooperative spirit is also needed. He compared that to what was needed to turn a house into a home.

Ambassador Brotodiningrat concluded with an optimistic note, by recalling Minister Purnomo's statement at the Shangri-La Dialogue 2010 in Singapore that the decision of ASEAN to establish the ADMM and ADMM Plus, represented an important step in reinforcing ASEAN centered regional security architecture with a strong defense component and would help bring peace and stability to the region.

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**Tuesday, 22 November 2011**

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**Session 5**

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**Korean Peninsula: Alternative approaches?**

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**Mr. Kim Yong Guk,**

**Vice President, Institute for Disarmament and Peace, DPRK**

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Mr Kim started his presentation by stating that the Korean Peninsula is at risk of exposure to conflict or crisis at any time because of lack of mechanisms to bring peace. He then explained the significance of building a peace mechanism due to the following reasons: *First*, with the old Armistice Agreement, peace and security of the Korean Peninsula could not be guaranteed. The Armistice Agreement signed in 1953 did not mean the end of war, but a temporary cease of fire, and all entities such as Military Armistice Commission and Neutral Nations Supervisory Committee had been dismantled long ago, making the ceasefire regime only nominal. *Second*, the dangerous elements that can impel the situation of the Korean Peninsula to war is increasing, such as the joint military exercise taken by the US and South Korea in a sensitive area in the Korean Peninsula. *Third*, a peace mechanism is necessary to eliminate the DPRK-US hostile relation and promote denuclearization.

Mr. Kim raised three points regarding the way for building a peace regime on the Korean Peninsula: *First*, replacement of the Armistice Agreement with a peace agreement, build confidence between DPRK and the US, and improve relation based on mutual respect and equality. The DPRK proposed parties to the Armistice Agreement to commence talks for a peace treaty through the statement of Foreign Ministry on January 2010. *Second*, the DPRK and the US should embark on the process of building political confidence through dialogues. He reiterated the position of the DPRK was to improve the relation with the US if the US removes the hostile policy towards the DPRK and respects their choice. *Third*, the atmosphere of North-South reconciliation and cooperation should be created in the Korean Peninsula. He reminded that after the announcement of the June 15 Joint Declaration, the North and South eliminated a mutual distrust and confrontation for 10 years, but he then also expressed his regret that a vicious circle of the confrontation repeated in the North-South relation for 3 years, and especially since the South Korean authority pursued the strategy of “unification through absorption”.

Therefore, Dr. Kim suggested the following steps to be taken for improvement of North-South relations: (i) South Korea authority should definitely abandon its ambition of “unification through absorption”. He explained that North-South have their own ideologies and political systems, any policies of absorption will lead to confrontation and war; (ii) the South Korean authority should boldly change its “policy towards the North”; (iii) North-South Joint Declarations should be implemented exhaustively.

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**Presenter: Professor Seok-soo Lee,**

**Korea National Defense University**

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Professor Seok-soo Lee in his presentation provided a concise perspective of South Korea’s approach to better improve the inter-Korean relationship and resumption of 6-Party Talks. In particular, he discussed the following points: *First*, in regards to the recent developments of the inter Korean relations, Prof. Seok-soo Lee noted a thaw in their relations. It is partly because of the changes in South Korea policy which is more flexible,

peaceful toward the North, for example South Korea resumes the humanitarian aid to North Korea, and the South Korea leadership promises to reestablish the official channels with the North Korea. However, the two sides still fail to settle down North Korea's provocative behavior. He mentioned specifically to Cheonan and Yeonpyeong island incidents after which, North Korea refuses to apology, and South Korea government faces pressures from its people who feel very disappointed. With regards to the 6-Party Talks, the two parties have organized two talks for consultative discussions about denuclearization of Korean Peninsula, reflecting the first step of proceeding. Following the inter-Korean talks are two DPRK-US talks concerning 6-Party Talks. Despite failing to make conclusions as expected, the two Koreas and the US were able to enhance mutual understanding, contributing to create a favorable climate for 6-Party Talks.

*Second*, he presented the South Korea's approach regarding the inter-Korean reconciliation and promotion of resumption of 6-Party Talks. In regards to the first, he noted that South Korea perceived the conventional and strategic threats from the DPRK. The South Korea policy objectives are to reduce and eliminate the military tension and dismantle North Korea's nuclear program. To meet these objectives, South Korea applies the principled and flexible policy with two main tasks including the improvement of the inter-Korean relations, and then resuming six-party talks. Comprehensive approach and diversified measures are taken to rebuild trust, and promote cooperation in the Korean peninsula, especially in the context of inter-Korean relation last year, out of which the top priority is the provision of humanitarian aid followed by cultural and societal exchanges, and official contacts between the two Koreas.

Next, Prof. Seok-soo Lee discussed about South Korea's 3-step approach for resuming the Six-Party talks: (i) denuclearization talk between the two Koreas; (ii) DPRF-US Talk; (iii) Resumption of Six-Party talks. He also stated the preliminary measures for reconvening six-party talks including freezing nuclear activities of NK including UEP, moratorium of nuclear and missile test and reentry of IAEA inspectors to nuclear site.

In conclusion, he noted the obstacle to 6-Party Talks which is lack of trust and confidence, as the US and South Korea are suspicious over the North Korea's real intention regarding denuclearization of North Korea nuclear program. In that context, Prof. Seok-soo Lee

stressed the importance of North Korea sincerity, demonstrated by concrete measures in dismantling nuclear program as discussed in bilateral talks between North Korea and South Korea and the United States. He also mentioned that South Korea is ready to provide incentives to North Korea on conditions of denuclearization. At the same time, he reminded about the “grand bargain proposal” which is a comprehensive deal raised by President Lee.

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**Ralph Cossa,**

**President, Pacific Forum CSIS, USA**

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Dr. Ralph Cossa noted that in the two previous presentations the two speakers have defined their positions clear, and demonstrated important common understanding regarding the eventual denuclearization of the Korean Peninsula and preserving peace and security, and eventually moving towards a peace treaty to replace the Armistice Agreement. Besides, Dr. Ralph Cossa also pointed a major disagreement between the two presentations about North Korea and South Korea objectives. The South Korea objectives are to reduce and eliminate military tensions in Korean Peninsula, and to dismantle North Korea nuclear program while the North Korean presenter describes South Korean’s policy objective as to absorb the North. It is necessary to look at this difference since he studied that South Korea has no intention to absorb the North. He also expressed his views that there was no need to use that term, but to focus on peaceful co-existence, recognizing mutual sovereignty which is the mutual goal of reunification.

He then discussed the timing and participants of the peace treaty proposed by Mr. Kim Yong Guk. In regards to the latter, he recalled the positions of different relevant countries like South Korea, the US, Russia, Japan and China that, the signatories of the peace treaty should be North and South Korea. In regards to the first, he expressed his believe that no US administration or other countries like China, South Korea would sign a formal peace treaty prior to the denuclearization because the signing of such a kind of peace treaty would validate the North Korea as a nuclear weapon state. Therefore, he understood that the peace treaty would happen after the denuclearization.

For peace process in Korean Peninsula, he opined that there is no alternatives other than 6-Party Talks, because, the US does not want to go back to pay what they have paid for since the previous talk. He then mentioned about pre-conditions or pre-steps for the US and South Korea to return to the 6-Party Talks, which are attempts to get back where the process broke down since December 2008 but relevant parties should lower their objectives.

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**Dr. Termsak Chalermapalanupap**

**Director, Political – Security Bureau, ASEAN Secretariat**

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Dr. Termsak suggested that ASEAN could provide an alternative. The principles in the Treaty of Amity and Cooperation of ASEAN and the East Asia Summit can be included in the proposed peace treaty. He also mentioned about the intention of European Union to join the TAC. DPRK is encouraged to participate in the ARF which is the only multilateral process outside the UN that DPRK is engaging in and has a chance to explain itself to the world community. He referred to the meeting among the Ministers of six countries on the sideline of the ARF. He hoped that ARF would help the parties concerned to improve the atmosphere. ASEAN supports the reconvening the 6-Party Talks, the denuclearization of the Korean Peninsula, as ASEAN aims to keep the region free of nuclear weapon, to provide some alternatives, contributing to more inclusive environment for dialogue.

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**Question and Answer Session**

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In response to the question about the ASEAN and ARF role as alternatives, Dr. Termsak Chalermmpalanupap emphasized that ASEAN is not capable to settle the issue on the Korean Peninsula, but to bring the concerned parties together, to resume dialogue and discussion to create a better atmosphere. Regarding speculations of North Korea relation with Myanmar, he suggested more time is needed to prove accuracy of such speculations.

He observed that the disadvantage of the US is its military power based foreign policy, and the US tries to solve problems left behind by history by military means. As the Joint Declaration 2005 is referred, the US affirmed that there is no nuclear weapon in Korean

Peninsula and had no intention to attack or invade DPRK with nuclear or conventional weapons, but in fact there are so much military movement, exercise, deployment, strengthening the forces of the US, leading to the hostile relationship. He looked forward to more diplomatic means, and hoped that more diplomats, not only money, will be sent to the region.

In response to the queries about efforts by the US, Mr. Ralph referred to a great deal of diplomatic efforts made by the US administration such as the number of visits of the US secretaries to the region, the initiatives to enhance partnership with ASEAN, and thus Mr. Ralph rejected the idea that the US primary foreign policy geared towards using only military power, but in fact geared towards creating circumstances that the US don't have to use military power. In fact, the US has tried hard to diffuse the tensions, not pursuing the confrontational policy but cooperating with other countries like China. Besides, he also expressed concerns about China rise, how China is going to look like, especially he wondered whether China behaviors in 2010 is normal or sneaky preview.

In regards to questions about the US flexibility for compromising, he could not be certain but mentioned that there must be some pre-conditions/pre-steps, otherwise it will be politically impossible for the US President to engage in dialogue. He also agreed that ASEAN does play important roles, such as creation of a venue for meeting, and their position on non-proliferation, i.e. refusal to accept North Korea's argument that their nuclear weapon is justified. The US strongly supports all efforts to prevent the proliferation of weapon of mass destruction, and seriously concern if these weapons fall in the hand of non-state actors and terrorists. He also emphasized the importance of a working group in ARF on this issue. He sent a message that the US-DPRK normalization that means the establishment of diplomatic relation is impossible until such time of denuclearization. The US will not do anything with the North that undermines their relationship with the South Korea.

One question was raised about the panel's views on Russian and China roles. In regards to the first, Mr. Ralph noted that the US has underappreciated Russian role and now it's time to pay more attention to Russia. In regards to the latter, he opined that China's strength in the 6-Party Talks used to be its capability to act as an honest broker as they can talk to both

the North and the US and the South, but with China defending North Korea's bad behavior in 2010, now it is doubtful about the China credibility and capability to play the role as an honest broker. Mr. Kim Yong Guk stated that China is a host country, and thus it has a control, Russia highly supports 6-Party Talks resumption without pre-conditions. Mr. Kim reacted to the term "bad behavior" used by Mr. Ralph referring to DPRK, and stressed that other more rational and understanding terms should be used.

Replying to the questions about the pre-conditions for resuming the 6-Party Talks, Mr. Seok Soo Lee emphasized the measures needed to be taken by the North Korea because little progress has been made for the 2 decades since the North Korea nuclear issues emerge. To make nuclear negotiation moved faster than the past, preliminary measures are required to be taken by North Korea before resuming coming 6-Party Talks.

Several participants sought further clarifications from Mr. Kim Yong Guk on his proposal on a peace treaty, particularly about its timing and participants. Mr. Kim Yong Guk replied that DPRK does not set the deadline of the peace treaty to be concluded just before the 6-Party Talks, but rather flexible. In regards to the latter, Mr. Kim emphasized that the number of participants is flexible, but the importance is that the concerned parties sit together as soon as possible to discuss about the peace treaty to guarantee and secure the peace and security in the Korean Peninsula.

Responding a question about DPRK's military provocation in 2012, Mr. Kim noted that there are a lot of rumors in western media, and so he recommended audience to turn ears to most reliable sources. In regards to Cheonan, he made the point clear that DPRK proposed South Korea to carry out joint team investigation but it was regrettably rejected by the South Korean side. He also referred to the warning by the DPRK to the South Korea before the incident that the latter should not carry out any military exercise in the west sea.

Responding a question about nuclear cooperation between DPRK and Myanmar, DPRK and Syria, Mr. Kim said that there are a lot of rumors about DPRK, but he assured that DPRK Government acts responsibly as a nuclear power nation, and develop their nuclear technology by their own capacity and no need to cooperate with others for the development.

In terms of NPT, nuclear powers have obligations not to threaten or use nuclear weapons against other countries, but Mr. Kim explained that his country is exposed to threat from these countries and that's why DPRK builds the nuclear weapons for self-defense to prevent threat from America.

In regards to inter-Korean relations, he noted that DPRK proposed an all kind" inter-Korean box, but it is denied by the South Korea with the reason that North Korea has no sincerity in proposing such kind of solution because DPRK have not apologized for Cheonan incident.

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**Session 6:**

**Naval enhancement: How to build regional confidence?**

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**Col. Sanny L.Gadot,**

**Assistant Chief of the Office of Strategic and Special Studies**

**Armed Forces of the Philippines**

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In his presentation, Col. Sanny L. Gadot set his view on naval enhancement and how to build regional confidence by providing the following scope of his presentation: a broad overview and specific challenges in the Asia Pacific region which seems to be emanated from the factors such as the globalization and attitudes of the states towards the sea. Out of these factors, there were evolved threats such as interstate conflict, transnational crime and environmental degradation.

First, with regards to the factor of globalization, it is the central fact of the strategic environment in the 21<sup>st</sup> century because of its effects on state's practices worldwide, which are parts of the Asia Pacific region. Globalization's present and future state will be a major determinant of the shape and nature of world politics. One characteristic of globalization is that globalization depends absolutely on the free flow of sea-based shipping and is

maritime in nature, which are the interests of the nations in the world. International shipping underpins the development of world trade, from the Asia Pacific region, the South China Sea, East Asia, Middle East and Europe. The challenge is to ensure that shipping route is protected and secured to avoid disruption of free flow of sea-based shipping. Moreover, the globalization encourages the development of borderless world, in which the autarchy of national units is gradually being whittled away by the development of transnational economic and technological trends. The purpose is essentially on the system and its components hence military plans and strategy will serve the system as a whole. The system reduces the capacity and incentives of the states to take independent actions in defense of their interests. Within the dynamics of globalization, states will tend to cope with across the border challenges and transnational crime such as piracy, smuggling, drug, human trafficking, terrorism, particularly in the Asia Pacific which is a maritime region vulnerable to transnational crime at the scene.

Second, the attitudes of the States toward the sea also give rise to some security challenges. The sea has imparted past and continuing contribution to human development. The main attributes of the sea include a) the sea as a source of living and non-living resources and a major contributor to human development; b) sea as a means of transportation and trade enables all countries to benefit from the free flow of world trade as a consequence of globalization; c) sea as a means of exchanging information as the more we know about the sea, the better to exploit its benefits; d) sea as a source of power and dominion; e) sea as an environment faces increasing level of threats caused by pollutions, jurisdictional disputes, over-exploitation and widespread ignorance.

In the context of these challenges, he pointed out that naval enhancement covers the enhancement of the capacities and capabilities of maritime security forces which include navy and coast guard. States count on the involvement of maritime security forces in the settlement of maritime conflict as well as in collective regional efforts in addressing maritime problems. It's time for states to decide on the naval enhancement, addressing the challenges without stimulating the conflicts in the region. It is necessary to ensure maritime security to overcome the hinders of the maritime potential risks. Cooperation of science and other fields should orient to the education and training programs. Provision of maritime safety such as search and rescue cooperation, contributes to the promotion of regional

security, regional safety such as search and rescue operations. The conditions that have to prevail in building regional confidence could be maintenance of good order at sea, promotion of regional security, enhanced cooperation, reduced risks of conflict and tension. In regards to the implication of naval enhancement to building regional confidence, basically naval enhancement covers the enhancement of maritime security forces capabilities to maintain order at sea. Naval enhancement has implications that underpin the building of regional trust and confidence, promoting the regional security, contributing to the reduction of risk of conflicts and tensions that will maintain regional peace and security.

In conclusion, he noted that naval enhancement is to deal with the existing and potential challenges but not stimulating the conflicts in the region, and building regional trust and confidence, reduction of conflict, threats and tensions.

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**Vice Admiral Hideaki Kaneda, JMSDF (ret.),**

**Japan Institute of International Affairs**

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Vice Admiral Hideaki Kaneda's presentation was titled "Regional naval enhancement: can we use growing naval capacities for regional common good". He started his presentation by expressing Japan's sincere appreciation to 146 countries and regions and 39 international organizations for their support to Japan, many sympathies and expressions of solidarity sent from countries in the region, emergency assistance from regional countries includes rescue team operations and relief goods and donations, military operational assistance for disaster relief from some countries in the region.

Then, he mentioned the changing role of maritime forces. Maritime forces mean the navy, coastal guards and in the Asia Pacific region they have undergone significant changes in recent years though the traditional *raison d'être* remains unchanged. Maritime forces are in the process of evolving with the enhanced capacities. The rise of non-military operation has come to the fore and non-military operations have increased (law enforcement) against terrorism, piracy or armed robbery. The roles for HA/DR have also been expanded.

Next, he moved to explain the threat perceptions and risks, which are the reasons for naval enhancement in this region. The risks have been changed as they relate to the adversarial relations between states, the rise of the non-state actor and the amorphous nature of threats posed by them, the maritime terrorism, the rise in incidents of piracy, illegal transportation of drugs, refugees, and their linkage to terror organizations, the vulnerability of the region to the disaster, etc. Such challenges have created greater demand for enhanced capacity to handle them.

He also offered some recommendations as follows: (i) risk mitigation to deal with the issue of trust deficit such as encouraging maritime security and confidence building measures, establishing hotlines, preventive diplomacy, incident at sea or codes for un-alerted encounters between ships and encouraging maritime situational awareness; (ii) benefits enhancement such as encouraging joint/coordinated anti piracy, active participation in the various established institutions, such as INOS, WPNS, etc, encouraging solution between countries with unresolved maritime boundaries, training of naval personnel in military/non military issues, dialogues between maritime security forces at both national and regional level, and encouraging regional exercises on non-traditional operations such as for humanitarian assistance (HA) and disaster relief (DR), and search and rescue, etc.

In conclusion, he emphasized the new directions of military on HA/DR, as HA/DR become one of the important roles for military operations. These new directions include repeated large scale disasters in this region, the reality of less capable nations against larger disaster, therefore the multiple military cooperation to support HA/DR should be organized through defense dialogue/exercises, hotlines, INCSEA, etc. Accumulated mutual confidence building through cooperative HA/DR should be a basis for higher confidence building measures.

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**Dr. Tim Huxley**

**Director, International Institute of Strategic Studies, Singapore**

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Dr. Tim Huxley started by referring to the recent statistics that highlighted the shift in distribution of military strength away from the West towards Asia; the economic problems are undermining the defense spending in the US and Europe, but Asia is becoming increasingly militarized. He also pointed out the fact that together with strategic uncertainties, many Asian countries with rapid economic growth are providing substantial resources for their armed forces, growing defense budgets, purchasing increasingly sophisticated conventional military systems that provide Asian arm forces with the capacities to locate and destroy targets with longer range and with greater accuracy and fatality. They are also expanding their capacities to deploy more substantial forces over greater distances. They are buying new equipment which automatically translate into better capabilities supplemented by development of military doctrines, training, logistics support, joint service operations. When local defense industry are increasingly capable to adapt and integrate and in some cases produce advanced system, it is clear that many Asian arm forces and particularly navy are improving their capabilities. These capabilities are intended for deterring and if necessary fighting other countries' navies, for interfering with adversary maritime trade, engaging in joint services operations.

Given this context, he agreed with the point of view that the naval modernization could be somehow justified on the grounds that it helps countries to cooperate more effectively on low intensity maritime security with more sophisticated on low intensity maritime security issues.

However, he noted that the Asian strategic context, which is characterized by major power balance in long-term, wide spread suspicion among regional states, and wide range of conflicts that could become more acute in the future, provide diverse rational for these national efforts to expand naval capabilities. What makes Asian military modernization programs potentially dangerous is they often reflect the efforts to hedge against the assumed material motives about the regional players. There is great emphasis on developing capabilities that could be used defensively and possibly preemptively. Contemporary military and specifically naval development in Asia does not closely resemble to classical example of arm races such as the missile race between the US and USSR in 1960s, but whether or not in technical academic terms, it constitutes an arm race and in absent of a mechanism which is able to mitigate inter-state tensions in the region

more effectively, there is a danger of competition which is seriously undermining regional security. In absent of a more effective naval agreement on avoiding incidents, there is an increasing danger of naval confrontations escalating in an unintended manner.

In conclusion, he suggested to consider a mechanism for naval arms control and for reducing the chances of accidental conflicts. He fully agreed with the various recommendations made by the two presenters but also expressed the fear of the scale of the problems being brought by naval enhancement and perhaps larger than what he has suggested.

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**Senior Captain Zhang Junshe, CSCAP China.**

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Senior Captain Zhang Junshe first expressed his agreement with the two presenters on views towards the importance of the sea, the benefits of naval enhancement and recommendations for benefits of naval enhancement to promote the regional confidence. In regards to the theme of “Naval enhancement: how to build the regional confidence”, he shared two points of comments:

First, in regards to how to build regional confidence, he proposed the first step is to carry out more concrete confidence building measures to build mutual trust and reduce possibilities of misunderstanding, including exchanges of military personnel, ship visit, security dialogue and consultations, and joint exercises and so on, because he pointed out that the unintended conflicts may arise because of lacking communication. Second step is to build regional conference to conduct more optional practical cooperation’s. Trust should be built and manifested through concrete and constructive actions and cooperation. The forms of naval cooperation may be first maritime information sharing, disclosure of information about bilateral or multilateral joint exercises and other information.

Second, he suggested working together to fight maritime crimes such as piracy, drugs trafficking, and illegal immigrants etc, which cause real threats to every country’s shipping and economy and security. To cope with current non-traditional security threats, we should explore preventive measures and ways to fight against them.

He also mentioned the fact that China has attached the importance to the defense and security consultation and cooperation with other countries, established mechanism for defense and consultation and policy dialogue at different levels on Asia Pacific security and regional flashpoints to create mutual understanding, strengthening good neighboring countries, friendship, deepening mutual trust and maintaining regional peace and stability.

He provided further information about China active participation in multilateral security meetings within the framework of ARF, ASEAN+1 and ASEAN+3. Initiative by China in the ARF conference on security policy was made officially in 2004, and has developed to a dialogue mechanism for high-ranking senior defense officials within the ARF framework. In mid-2010, at the 7<sup>th</sup> ARF conference on security policy, China proposed initiatives on strengthening research on non-traditional security cooperation, and promoting active cooperation. In October 2010, China attended the first ADMM+. In 2011, China and ASEAN have the first ADMM meeting. In recent years, the PRC hosted the ASEAN China defense and security dialogues, the ASEAN + 3 forum on non-traditional security cooperation between armed forces and the workshop on formulating legal rules for armed forces participation, international natural disaster relief operations. For Chinese navy, in October 2005, China and Viet Nam signed an agreement on joint patrol by the navies of the two countries in Beibu Gulf. The two navies have established the office of joint patrol in Beibu Gulf, organized more than ten joint patrols and defensive annual meetings. Since 2008, China and Japan have held several consultations over the establishment of maritime mechanism. In conclusion, he emphasized that the Chinese navy has taken an active part in activities of the Western Pacific, and maritime security sponsored by ASEAN regional forum, and consultation cooperation in Asia Pacific.

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### **Question and Answer Sessions**

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Mark Valencia sought the reaction of the panelist about the intelligence gathering activities, the possibility of voluntary guidelines of the military activities, what is considered appropriate and not appropriate.

The representative of the Brussels institute pointed the diversion of the two presenters, one for military and the other for civilian, and that he shared the view of the civilian participant about the growing concern about the enhancement that has gone from protecting the fisheries and using civilian patrol to using military armed patrol vessel and using other means of enhancement. He also called for more restraints, more mechanism to avoid tension, conflict not escalating the risk of confrontation, some more room for mechanism in ASEAN, ARF among the parties to avoid future tensions and escalation.

Zhang Junshe replied that the issue of naval enhancement has been discussed in CSCAP through which the risks of naval enhancement are identified. He pointed out that the naval enhancement in general helps the world to fight the non-traditional security threats as demonstrated in the cooperation among navies to get free from the new security issues such as pirate attacks. He also agreed that there are some risks of naval enhancement, and proposed the mitigation measures by consultation and dialogue and cooperation among navies to reduce the risks of misunderstanding and further conflicts. Regarding the question about the intelligence gathering activities.

Tim noted that there are inherent reservation about the state accepting curbs on intelligence gathering activities which are going to continue to persist as long as there are suspicions and apprehensions among states in the region. He suggested an agreement to be reached at political level.

Hideaki Kaneda opined that intelligence gathering plays a very important role in the navy and military forces, and it should obey the established and common international law, prohibiting intelligence activities to be taken place in some territorial areas of the foreign countries. In addition, he also mentioned the uninformed interpretation of international law or Customs Law on military ship activities in the international water, especially in the case of South China Sea issue. He suggested the countries to join a forum to make clear and reach a consensus on interpretation of the established International Law and Customs Law. Responding to the comments raised by The Brussels institute, he replied that it is not easy to share the information among non-NATO countries, though, he recognized the importance of intelligence sharing, and thus he proposed a consultation forum be

established following the establishment of confidence building measures among regional countries.

In responding to the Mark Valencia's question about intelligence gathering activities, Sanny La. Gadot found it difficult to institutionalize the intelligence sharing, because the permission to share information is not sure to be given by parties. He suggested changing intelligence gathering to information sharing, establishing an intelligence summit or conference, reaching a consensus on information sharing consensus. In responding to the comments by the representative of Brussels institute, he viewed that the enhancement programs of countries in the region are not aimed at arms race but maintenance of balance of forces in the region. Some navies in the countries in the region really needed enhancement to keep up with recent developments in technology within the border but not meant for aggression purposes.

In responding the queries raised by Dato Mahadi Wasli, RSIS Singapore about the aspects that the naval enhancement creates worries the most, the scenarios of possible maritime conflict, the measures to address them, and views of the speakers about naval arms control in contemporary context, Zhang Junshe opined that there are differences in interpretation on UNCLOS, high frequency of US intelligence ship and flight coincident in the region create major obstacles to improve the military relationship between China and the US, so to maintain bilateral ties, China and the US should respect each other's core interests and major security concerns and enhance all around cooperation in all areas of concerns. Tim viewed that CSCAP or the WIWS are good forum to discuss the naval arms control but in the contemporary context the issue should be control of weapons system rather than a platform to look at the numbers and ranges of anti-ship missile in the first instance. Hideaki Kandeda answered the most worry is the issue of inter-state transparency on naval capacity building because if the transparency is not enough, many neighboring countries may be skeptical or misunderstand, creating tensions which might cause unnecessary crash. Therefore he suggested to promote the role of many existing systems in the region for confidence building measures. Sanny L.Gadot emphasized the human resource aspects of naval forces in terms of training, reorienting the values for further cooperation among naval forces.

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## Session VII

### Cyberspace: National asset or global common?

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**Dr. James Farewell**

Head, the Farewell Group

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Dr. James Farewell started his presentation by describing how quickly the world is changing. A person now can affect millions of people in the world. Positively, as a person who created the Facebook that attracts millions of users, or negatively as a person who created and spread the virus called "I love you" that affected 50 millions of computer in the world and cost 5 billion US \$. Cyberspace has two sides....He stressed that the real threat from cyberspace does not come from states but from non-state actor, individual or organizations.

Cyberspace provides opportunity for growth and commerce, for communication but also provides opportunities for criminals. There are cases of stealing data, information hacking, and creating unfair competition in the world where physical border is less relevant for the multilateral trading system.

He emphasized that cooperation between state and non-state actor, individual and organization is very important to deal with cyber crimes.

According to him, the most evolving crime is transnational crimes, nowadays, any business nowadays is subject to cyber attack such as credit card hacking, stealing of personal information, etc. All of these problems, a country cannot work a lone. Countries should work together to form rules, laws and principles law enforcement mechanism dealing with these kinds of crimes.

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**Ian Dudgeon**

Mr Ian Dudgeon continued discussion about how to cope with cyber threats. He argued that cyber security requires both national and transnational cooperation and mechanisms to deal with threats.

At the national level, the government should implement a domestic cyber security strategy that encompasses all domestic stakeholders – government, business and individuals. The aim is to protect confidential information and the ICT support systems.

Critical infrastructure is the backbone of the functionality of any modern society and includes such key industries such as telecommunications, banking and finance, transport and energy systems, and government services including defence and emergency services. In many nations, some or most of the infrastructure is owned by private-sectors businesses. It is necessary, therefore, for government to enhance cooperation with those private-sector businesses to deal with cyber threats for mutual benefit.

At the transnational level, nations should cooperate to ensure all related policies and practices, including standards, principles, laws and rules, are comparable and supportive.

On the dangers of cyber threats, he stressed that if a hostile state or terrorists used high quality cyber technology to target a nation's ICT systems for intelligence purposes or to destroy or disrupt its critical infrastructure in time of war or other special circumstances, this could have significant negative consequences.

However, dilemmas exist. For example, how can a nation maximise the benefits of the internet yet minimise the potential threats of that interdependence, including the threat of cyber crime due to hacking, data theft etc? At what point does a government's enforcement of security and safety controls over internal internet content become state censorship and violate human rights such as freedom of speech and privacy?

On the issue of cyberspace being a national asset or part of the global common, he argued it is both. It is a national asset because the nation owns its infrastructure. It is part of the global common because every national infrastructure is part of the world-wide web that makes up the global common.

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**Lt Col Husin Jazri**

**Chief Executive Officer, Cyber Security Malaysia**

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Mr. Husin continued his discussion of cyberspace by agreement with previous speakers that cyber is both national and global common. Today, it is the global economy, all countries share common interest, in economics, social, politics and other areas.

He also shared the idea that cyber is not free from dangers and dilemma.

He argued that there is no easy solution for cyber security issues, due to its complexity and Internet revolution has brought a new form of challenges that has no precedent by previous world history. This requires new thinking order and innovative system to resolve it.

There is no geographical boundary, political ideology for cyber threat. The law of respective countries is just good to protect national interest and have jurisdiction within well defined geographic boundary. National law is not effective in dealing with cross-border cyber crimes. This gap has been long exploited by criminals. Nation actor and non-state actors continue to be safe heaven unless the world can agree to a common laws and principles to govern the cyberspace. However, he observed that the progress to come to this common laws is very slow at the moment.

In cyberspace at the moment there is difficulty in finding balance between national security and citizen privacy, between national interests and global common. Between military might and diplomacy. Between freedom of expression and control. Between Internet safety such as censorship and total openness.

From this observation, he has made lot of questions where is the balance? How to resolve? considering nature of development Internet, have states done fast enough to deal with the situation? When can states reduce the gap?

Because Internet is borderless, difficult to regulate, owned by government and private sectors, by individuals and organization, no government can work alone. All governments

need to cooperate together. It is the responsibility of everyone. Due to the fact that cyber is developing very fast, countries also need to act very fast in coping with increasing cyber threat that is becoming more and more sophisticated and damaging. It is not security per se, he stressed, it is also security and safety of people. Cyber safety is to ensure prosperity, establish peace, security and development of a nation.

He also pointed out that there is a lot of work to be done, they are education awareness, human capital development. Cyber threat requires global crisis management, effective legal framework to address cross border issues.

He highly appreciated CSCAP in timely establishing a study group on cyber security and member state to examine cyber security issues affect our common interest and to come up with effective strategy and accommodate security challenges in pacific region.

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**Dr. Kamlesh Kumar Bajar**  
**CEO, Data Security Council of India**

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Dr. Kamlesh Kuma Bajar also pointed out the role of the Internet in the digital age for economic and social development. In New York alone transact 4 trillion electronic payments over cyberspace everyday. He also had the same idea with the previous speakers that cyber is both global common and national asset.

Arguing cyberspace as global common, he also shared the idea with previous speakers that there is the need for international community to reach an international regime to deal with the threats. There should have international legal framework that is universally accepted. He added that, beside the common legal framework, at technical level, states need to develop counter measures based on collaboration between private and public sector to cope with cyber threats. Cooperation among global states and non-state actors is needed to ensure that threats are adequately addressed.

The new thing is that, he mentioned about military views on cyberspace. He quoted US Department of Defenses 2010 court general defense report: "global security and prosperity

are contingent on the free flow of goods shipped by air or sea as well as information transmitted over the ocean or through space".

He further noted that national defense of a state depends highly on the ability to navigate safely through the air. It is dependent on computer network and cyberspace. Its role has been recognized to be a new domain of warfare. The new thing is that new technology weapons can pose significant threat to military where defender has to defense all the time with heavy cost while offender can do with simple weapons.

Problem of cyber attack is hard to identify original offense attacks. It is worst if the attackers are identified as non-state actor, terrorist group, so it is not clear where and how to counter attack. How to define individuals or countries launch the attack requires cooperation among states. States have to unite to create a comprehensive set of rules and behavior to govern cyberspace.

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**Ambassador Kirill M. Barsky**

**CSCAP Russia**

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Ambassador Barsky agreed with the previous speakers that cyberspace is both national asset and global common. And he also questioned further if cyberspace is national good or evil and he answered that it is both too.

He also shared the concern that if ICT was used by terrorist groups, extremists the consequence would be extremely dangerous. He compared the use of ICT with classical weapons of WMD.

Ambassador Kirill also shared the information about the group of SCO expert on information security that was established 5 years ago.

In April 2011, SCO group of expert drafts a voluntary COC of states in the field of international information security. Purposes of the COC are to define rights and responsibility of a state in the information space and to facilitate constructive commitment

of responsible behavior to cyberspace as well as reconfirm human rights and fundamental freedom.

He also further noted that if it is the will of UN member states, the group will draft a universal convention on international information security.

He also shared the idea that, now various organizations and forums have been more and more concerned about this issue. Most of these organizations have cyber security on their agenda such as in APEC, ARF, CSCAP, SCO. He also mentioned the EAS summit last week, this organization has been enlarged with the participation of the US and Russia. He wondered if the EAS summit could play an important role in promoting cooperation in information security.

He raised the idea that it was obvious that information security must become an integral part of the emerging new regional security architecture. It should be open, transparent and equal based on norms and principles of international law, with due respect to legitimate interests of all countries.

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### **Question and Answer Session**

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At the Q&A session, there were questions concerning the COC that may violate the human rights, fundamental freedom, privacy, and how a state can cooperate to share information if they are hostile and sharing intelligence may reveal intelligent techniques. Regarding the COC proposed by the SCO expert group, the question was if there were any negative feedback from advanced technological states since these countries are already advanced in technology and they may not want to be bound by the COC. The answer is that countries that subscribed to the COC have to commit to respect basic human rights as defined in the UN documents such as International Covenant on Civil and Political Rights. Nowadays, no country can escape from cyber threats, therefore it is necessary to have the COC. The COC is a political document at the beginning then imposing more legal binding agreement later.

One participant also raised his concern that there have been agreements both binding and non-binding but look at the statistics that very few crimes solved in the world, only 5%.

Number of crimes is still growing everyday, what need to be done now is to speed up the law making process, education, etc.

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**Session VIII**

**Will the new Regional Security Architecture help?**

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**Ms Gillian Bird Deputy Secretary**

**Department of Foreign Affairs and Trade Australia.**

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Ms Gillian Bird boldly endorsed the current regional architecture, especially the new development to the East Asia Summit process, thinking it will be helpful to regional security. She underlined the strategic heft of the EAS as a regional grouping covering more than half of the world population, more than half of the world GDP, which has 8 of the G20 members, has 3 of the P5, and might potentially have Japan and India as two potential candidate for an expanded UN Security Council in the future. She pointed out that the EAS expansion is in line with Australia's view of an Asia Pacific Community, meeting all the criteria that Australia had in mind when coming up with the Asia Pacific community initiative. She believed the EAS can help contribute to a stable, rules based order in the region.

Ms Gillian Bird identified four sets of issues to be addressed in order to make the EAS realise its potentials. First, the EAS needs time for the group to consolidate itself and gradually reach its full potentials. Second, ASEAN centrality needs to be maintained. Third, there is a need to ensure that the EAS works coherently and in a way that is complementary and mutually reinforcing with other regional bodies. The EAS need to strengthen the habit of dialogue and cooperation, covering traditional and non-traditional, and that all issues should be on the table. Forth, EAS needs to continue cooperation and integration in the 5 existing areas of cooperation that will help build an Asia Pacific Community.

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**Professor Tsutomu Kikuchi**

**Japan Institute of International Affairs, Japan**

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Professor Tsutomu Kikuchi made a detailed analysis of the development of the regional architecture. He pointed out that the development of the multi layered and overlapping regional institutions reflected national strategies to respond to increasing uncertainty and insecurity, especially due to changing relationship among the big powers, leading to competing conception on how to shape international relations in the region. Due to these uncertainty, countries take various institutional strategy such as institutional engagement, institutional balancing and risk-hedging. These processes are complicated by the vastly different political and social values of China and the US, the two major regional players. Professor Tsutomu Kikuchi pointed out that because of the complicated and changing relationship between US and China, both inclusive and exclusive relationship institutions exist with respect to the membership of the US and China. He forecasted that given the strategic uncertainty and unpredictability, in the foreseeable future, institutional convergence into single or few overarching or authoritative institution(s) would not take place in the region. Asia will continue to have multiple overlapping regional institutions. The regional architecture will consist of a variety of bilateral, trilateral and other regional institutions. He concluded that the alliance system centered upon the US will continue to play indispensable role to regional peace and stability, and the key bedrock for the emerging regional architecture.

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**Dr. Yuan Jian**

**China Institute of International Studies, China**

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Dr. Yuan Jian, China Institute of International Studies, China pointed out that the new regional architecture is reflected in the expanded membership and agenda of the existing

mechanisms. She argued that there is no need to create a new mechanism, and that effort should be spent on making existing mechanisms more effective through having more balanced approaches to addressing issues. Dr Yuan Jian said that issues such as territorial disputes cannot have quick solution and still require patience, gradualist approach towards long term solutions based on consensus among all the parties concerned. She recommended that the region identify some issues that are ripe for cooperation. On more difficult issues, the region should find measures to build confidence, foster trust, deepen understanding of common interest and differences.

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**Dr. Vyacheslav Nikonov**

**Chairman**

**CSCAP Russia**

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Dr. Vyacheslav Nikonov, Chairman, CSCAP Russia observed that the most interesting development to the regional architecture is that the EAS and ADMM+ processes have coinciding membership, which include all the major players. He said that the EAS cannot be the only security institution, but it has the pre-requisite to become the key institution of the region, and that the EAS has more potential for being a conceptual and coordination center. What is important is the division of labour between the EAS, ADMM+ and ARF. He suggested that the ADMM+ could specialize on issues such as emergencies, security of the sea, military medicine, and peace keeping. The ARF, which led by the foreign ministers, could focus on non-proliferation, counter terrorism, and security aspect of naval safety. He stressed that it is important for regional institutions to create good atmosphere by rejecting confrontations and rejecting division lines.... He concluded that he is hopeful the new security architecture will be helpful, and certain that the current regional architecture will not be harmful to any of its member.

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**Dr. Rizal Sukma**

**Executive Director**

**CSIS Indonesia**

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Dr. Rizal Sukma opined that for the new regional architecture to help, it would have to satisfy 4 conditions: (i) the key elements of the architecture need to compliment, not compete. These elements, according to Rizal Sukma, are the US led alliance system; the ASEAN driven multilateral processes; the bilateral security arrangement; and the rise of China and the changing regional order. (ii) ability of ASEAN to exercise its role effectively, which is to create platform for major powers to interact; (iii) a stable balance of power among the major powers in order to ensure that the normative arrangement led by ASEAN will function well; (iv) ASEAN is able to act as a neutral and cohesive force, especially in the context of increasing Sino-US rivalry. Dr. Rizal Sukma said that Indonesia is worried about the polarization of ASEAN given the changing geopolitical context. Polarization of ASEAN is not a remote possibility and therefore, consolidation of ASEAN is a must.

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**John Brandon**

**Director, International Relations and Associate Director, The Asia Foundation**

**Washington D.C., USA**

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John Brandon recalled that when President Obama was inaugurated, the US changed its attitude towards the Asia – Pacific regional architecture and made continues attempt to look at the Asia Pacific in a comprehensive and consolidated manner. John Brandon stressed that the US is now engaged and part of the Asia Pacific, but faces a challenge of how to lead from behind and recognise ASEAN centrality while still remain a key part of the architecture and to have a say and influence in it. John Brandon pointed out that there are many aspects the US can contribute to regional cooperation, such as on climate change,

environment, natural disasters, maritime security such as piracy... John Brandon foresaw that no FTA within the EAS context would happen in 2012, as this is the election year. He also stress the importance and role of ASEAN in driving the EAS process in the coming years, and the need for the more established members of ASEAN to help less the resource rich members manage the process effectively in the next 2-3 years. John Brandon also highlighted the need for Sino-US relations to go right in order for the whole architecture to function properly.

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**Ambassador Leela K. Ponappa**

**Chairperson**

**CSCAP – India**

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Ambassador Leela Ponappa, Chairperson of CSCAP-India, emphasized that this was a time of change, moving from exclusivism towards new structures which emphasize inclusiveness, from blocks and alliances to partnerships. There had been a major change in mindsets since 1960, such as the concept of widening of consensus, greater recognition of global commons, thinking about security as not necessarily against an antagonist but for stakeholders. The EAS represents the hope for the future. ASEAN deserves credit for taking this forward, to widen the consensus on the notion of community. However, Ambassador Leela pointed out that there are unchanged aspects, including consciousness about national sovereignty, sensitiveness about security issues, principles of non-interference and so on. She opined that exclusivism would not help and it was premature to compartmentalize different issues in the East Asia Summit as the issues are all inter-linked. ASEAN was necessarily central to the process and, as in the past, would surely find its way to establishing institutional equilibrium and rationalization in due course. She concluded that the new regional architecture reflects openness, transparency and inclusivity and that on the basis of these principles, it will work for its stakeholders.

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## Question and Answer Session

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Several comments and questions were made. Termsak from the ASEAN Secretariat questioned the use of the concept “architecture”, because it implies very specific structure designed for very specific purpose, which is not what the “regional architecture” is about. Vannarith Cheng from CSCAP Cambodia cautioned that rising nationalism might harm ASEAN integration and ASEAN’s ability to serve as the regional architecture driving force, but the region did not have any mechanism to deal with nationalism. Nguyen Duy Hung from the Diplomatic Academy of Vietnam felt that there is no need to segregate the security architecture from the overall architecture, and that the true dangers and dilemmas of the region still have not been specified. Robert Ayson from CSCAP New Zealand asked where the Trans-Pacific Partnership fit in the current system and if the US alliance system was also part of the architecture? Chen Dong Tso from Chinese Taipei echoed John Brandon in stressing the need for a “right” Sino-US relation, which he defined as a relationship that is able to manage and solve regional disputes in a productive way, move regional process forward to achieve prosperity. Chen viewed that the EAS and ADMM processes were becoming the anchor of the regional architecture.

Responding to the questions, Ms. Gillian Bird did not agree with the view that the regional architecture was messy, but described it as a fluid evolving architecture. She again emphasized the importance of ASEAN centrality and stressed that ASEAN’s partners are ready to work with ASEAN to maintain that centrality. She also stressed the importance of the US alliance system as the underpin to regional security, and that the alliance system is consistent with the regional architecture. Professor Tsutomu Kikuchi greatly appreciated the role of ASEAN in creating and managing the regional institutions of the Asia-Pacific, but expressed doubt that the ASEAN centered institutions are able to deal with increasing Sino – US strategic competition in the coming decades, although he expressed a great expectation for the renovated ASEAN to play more active role. Dr. Vyacheslav Nikonov

did not see nationalism as being contradicted to integration. He viewed nationalism even as driving force for integration in some occasion. But he agreed that the ASEAN's role as the driver is still needed in this architecture because the system is still operating in "manual" mode. Rizal Sukma warned that ASEAN should not be complacent about its default role as the driver, but need to earn it. He emphasized that both the EAS and ADMM+ are ASEAN driven, therefore are not separate elements of the architecture. Rizal Sukma saw the real danger to the region is the return of major powers competition to the region, which happened in the 1970s, however, ASEAN did not yet have a plan to deal with the danger. John Brandon clarified that the US had never left the region, only looked at the region differently.

Ambassador Tong Xiaolin wanted the EAS to evolve based on principles agreed to in 2005, when the process started. She said that ASEAN centrality is fundamental because only with ASEAN's centrality can the EAS progress and move forward. No other power can move the process forward. Don Emmerson warned against inclusivism. He cautioned that if every body were included for sake of representation, regional institutions would become ineffective. Jusuf Wannandi highlighted the fact that the region has fundamentally changed because the economic balance has moved to the east, and that hegemony will not work in the region anymore. Jusuf emphasized that regional institutions is to ensure that Power politics will not be dominant in this region. He agreed that ASEAN centrality needs to be earned, but also asked the major powers to push ASEAN to that extend, and not to do things in the region without consulting ASEAN.

US Ambassador David Sheer, in his keynote address to the Conference, highlighted and reaffirmed US policy towards the region, which continue to emphasize diplomacy, free market, sustainable growth, good governance and full support and commitment to the existing regional architecture.



## ***CONCLUSION AND RECOMMENDATION***

The 8<sup>th</sup> CSCAP General Conference concluded with significant intellectual achievements as summarized in this report. Specifically, it has provided fresh thinking and perspectives on the emerging security challenges and regional architecture in the Asia-Pacific region. The role players and participants have come up with profound assessments of the current situation and made numerous policy recommendations on addressing these security issues. Government officials invited to deliver speeches at the Conference also briefed the Conference with policy issues and clarifications, which have drawn special attention from the audience and the media.

The 8<sup>th</sup> CSCAP General Conference in Hanoi has proven itself to be a flagship event of CSCAP in the past two years. The Conference, which highlights important themes taken from various CSCAP Study Groups, has promoted the spirit of CSCAP in a wider setting and to a wider audience. The open and inclusive nature of the Conference has been practical for the CSCAP missions of facilitating dialogues among various stakeholders for common purposes of peace, stability and prosperity.

This Conference is one of the largest security dialogues in the Asia-Pacific, where track-II experts, scholars and government officials in their private capacities could discuss sensitive and imperative security issues in the region in an open and frank manner. The security dialogue at the second track is essential for this region at this point of time, as there exist many sensitive issues and hotspots that required dialogues, exchanges and other confidence building measures. In that context, the CSCAP General Conference provides an excellent venue to discuss regional security issues and architecture at a critical juncture.

As the host, CSCAP Vietnam wishes to express deep gratitude and appreciation to CSCAP Member Committees, especially CSCAP Australia, CSCAP Japan, CSCAP New Zealand, and CSCAP Singapore, for their substantive and financial support in the organization of the Conference. CSCAP Vietnam would also like to thank distinguished role players, including chairs, presenters and discussants, for delivering excellent

presentations and sharing your viewpoints and precious expert experience at the Conference. Our thanks also go to all the participants for devoting their time and efforts in attending and making active contribution at the Conference.

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