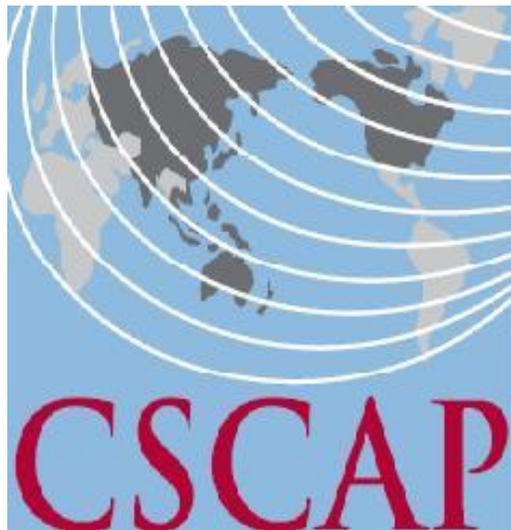


CSCAP MEMORANDUM NO. 30

Preventive Diplomacy: Promoting Prospects for Mediation and Peaceful Settlement of Disputes in the Asia-Pacific Region



**A Memorandum from the
Council for Security Cooperation in the Asia Pacific (CSCAP)**

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Memorandum No. 30**

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Introduction

Preventive diplomacy in the general sense is broadly defined as any diplomatic action aimed at preventing conflict from arising, existing conflict from escalating, and limiting the spread of conflicts once they occur. Based on a proposal by CSCAP, ARF Ministers endorsed a more circumscribed and prescriptive understanding of Preventive Diplomacy and defined it as consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties. In practice its most common expressions can be found in the use of mediation and good offices, deployment of fact-finding, monitoring and investigation missions, or any formal or informal effort taken by acceptable third actors to help ease tensions between potential conflict parties. The benefits of PD are widely recognised by the UN and ARF principles, and a number of contentious issues in Asia have been successfully settled when parties have given consent for the use of international legal arbitration or third party mediation. However, many current sources of tensions in the ARF region remain eligible for the process. Consequently, regional multilateral organisations like the ARF should move ahead with specific PD initiatives and work towards putting in place institutional mechanisms and instruments for conflict prevention and management.

Background

The ARF Preventive Diplomacy Work plan of 2011 underlined the importance of partnering with mutually agreeable organisations to build capacity and capability of its participants in the area of PD. The 2013 Concept Paper on “moving towards Preventive Diplomacy” further emphasised the need for familiarisation with PD mechanisms through learning and sharing, before developing concrete PD tools that would be appropriate for the ARF region. Since then, the Inter-sessional

Support Group (ISG) on Confidence Building Measure (CBM) and Preventive Diplomacy (PD) continues to emphasize the need to further study PD and develop more specific recommendations and policies for governments to adopt, in consideration of the region's specificities and unique diplomatic culture.

Mindful of these developments, the CSCAP Study Group on PD sought to examine the prospects for mediation and peaceful settlement of disputes in the region through collecting and analysing successful and less successful uses of PD in the past, and identifying drivers and obstacles specific to the ARF region. It also identified gaps within the current conceptual frameworks, and sought to work on agreed elements for a future ARF PD training curriculum that ARF members can draw upon for peacebuilding and mediation efforts.

Findings

The global and regional geopolitical context has evolved. The world has become more interconnected and interdependent, with threats transcending national borders and impacting the security of all. This new global reality brings about new challenges, but also new opportunities, which need to be reflected in the way PD is understood, conceptualised and implemented. The changing security environment requires new and creative forms of thinking about PD.

The emergence of new factors and actors, including new technologies and new (non-state) actors on the international arena must be taken into consideration. This also requires learning from a greater variety of cases to understand emerging challenges and possible approaches.

When analyzing the effectiveness of PD, the Study Group concluded the distinction between "success" and "failure" is blurred. PD needs to be understood as a non-linear process, as a seemingly resolved conflict may easily slip back into dispute. Consequently, PD involvement needs to remain not only constant, but also flexible, adapting to the evolving situation and degree of tensions.

Inter-state and intra-state conflicts are deeply interconnected: an intra-state conflict may exacerbate or develop into an inter-state dispute.¹

¹ Although the current ARF definition of PD only focuses on inter-state conflicts, the Study Group noted the benefit of revising the conceptual divide between the use of PD in "intra-state" and "inter-state" conflicts, due to their often interconnected nature. This argument did not achieve consensus among all CSCAP Member Committees.

While there is no shortage of PD tools available – in the UN or the ARF contexts – the greatest obstacle to their successful implementation remains the lack of political will of the parties involved, mostly due to lasting suspicions of third party involvement and fears of loss of sovereignty. Increasing awareness on the voluntary basis of the recourse to PD and its long term benefits, as well as openness to less formal mechanisms needs to be reflected in the ongoing learning process.

Finally, there is a crucial need to overcome knowledge silos and to improve coordination and information sharing between relevant Track 1 and Track 2 bodies, as well as civil society already extensively working on PD – in order to avoid duplication of efforts. The implication in the ARF definition that only sovereign states can engage in preventive diplomacy means a lot of valuable contributions are not taken into account. CSCAP, as a track II network, can continue to play an innovative role in generating, incubating and transmitting knowledge and ideas of potential activities that could help prevent conflicts breaking out and escalating. It is hoped that these knowledge management efforts by CSCAP can input to the work of the ASEAN Institute for Peace and Reconciliation that ARF Ministers have suggested should provide services such as monitoring of regional security trends, identification of potential flash points in Asia Pacific and the recommendation of preventive diplomacy measures.

Recommendations

I. General considerations

A more active implementation of PD within the ARF could include:

- a. The establishment of a roster of mediation experts/units, which would allow interested parties to access information and necessary PD expertise on a voluntary basis.
- b. The establishment of an early warning system within the ARF, exploring synergies with existing and proposed organisations, such as the ASEAN Institute for Peace and Reconciliation (AIPR). A better division of roles, tasks and labour among ARF's various advisory bodies (EEP, CSCAP, AIPR) would be helpful.
- c. The establishment of fact-finding missions.²

² The possibility of establishing election monitoring missions within the ARF context has also been discussed.

PD capacity-building

- a. Continued training for diplomats based on case study materials for role playing/scenario simulation.
 - b. On-line repository of key PD resources, case studies and references. , CSCAP can help meet the need for documented examples and cases as well as providing a variety of perspectives on evaluating success and failure.
 - c. Make better use of social media to ensure greater outreach and inclusiveness.
- ii. *Operational PD: Off-the-shelf CBM/PD measures which the ARF could consider*
- A. Korean Peninsula.

The ARF could facilitate informal discussions to encourage parties to the dispute on the Korean Peninsula to: cultivate a fact-based understanding of the South and North Korean perspectives; serve in a good offices capacity to establish confidence building measures and tension reduction on the Korean maritime and land borders, particularly vis-à-vis reducing clashes along the Northern Limit Line and limiting propaganda spreading across the DMZ; and to reinvigorate direct communication and crisis hotlines between disputants.

B. Marine Environmental Sustainability

The ARF could encourage forming a Study Group on Marine Environmental Sustainability. The Group would be tasked with collaborating with technical experts and undertaking working visits to study the impact of anthropocentric activities on the marine environment, above all coral life and fish stocks. This Study Group would brief ARF member states, with a view to advising the ARF on further possible actions to limit the environmental impact of human activities at sea.³

³ The Study Group discussed notably the impact of environmental degradation in the case of regional seas suffering from a lack of governance due to overlapping sovereignty claims.

III. ARF Institutional Mechanisms: Functional reforms, which the ARF may consider developing in the medium-term.

The ARF should consider developing a program of PD exercises - possibly facilitated by CSCAP and role-played by EEPs and/or officials in a personal capacity. These simulations would explore the possible PD actions of the ARF in a variety of regional contingencies. A final ARF Report on PD exercises presented to member states in 2018 advising on the feasibility, and desirability, of mandating a Risk Reduction Centre to carry out such activities to generate lessons learned.⁴

ABOUT CSCAP

CSCAP is a non-governmental (second track) process for dialogue on security issues in the Asia Pacific. Membership in CSCAP is on an institutional basis and consists of Member Committees. Current membership comprises Australia, Brunei Darussalam, Cambodia, Canada, China, the EU, India, Indonesia, Japan, the Democratic People's Republic of Korea, the Republic of Korea, Malaysia, Mongolia, Myanmar New Zealand, the Philippines, Russia, Singapore, Thailand, Vietnam and the USA.

The functions of CSCAP are as follows:

- a. to provide an informal mechanism by which political and security issues can be discussed by scholars, officials, and others in their private capacities;
- b. to encourage the participants of such individuals from countries and territories in the Asia Pacific on the basis of the principle of inclusiveness;
- c. to organise various working groups to address security issues and challenges facing the region;
- d. to provide policy recommendations to various intergovernmental bodies on political-security issues;
- e. to convene regional and international meetings and other cooperative activities for the purpose of discussing political-security issues;

⁴ In line with the discussion on the possibility of promoting election monitoring within the ARF context, ARF member states could establish an Electoral Observation Fund to train a cohort of 100 professional election observers to be sent on short notice, solely upon request from the participating member state and/or non-ARF state. This cadre of electoral observers could request training opportunities facilitated by the EU, OSCE and UN by participating in extra-regional electoral observation missions in Africa, the Middle East, Central Asia, etc.

- f. to establish linkages with institutions and organisations in other parts of the world to exchange information, insights and experiences in the area of regional political-security cooperation; and
- g. to produce and disseminate publications relevant to the other purposes of the organisation.

Study Groups are the primary mechanism for CSCAP activity. As of July 2016, there were five CSCAP Study Groups. These are concerned with: (i) Preventive Diplomacy; (ii) Non-Proliferation and Disarmament; (iii) Harmonisation of Aeronautical and Maritime Search and Rescue; (iv) Marine Environment Protection; and (v) Peacekeeping.

This memorandum was produced by the CSCAP Study Group on Preventive Diplomacy.

Further information on CSCAP can be obtained from the CSCAP website at www.cscap.org or by contacting the CSCAP Secretariat:

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CSCAP Memoranda

CSCAP Memoranda are the outcome of the work of Study Groups approved by the Steering Committee and submitted for consideration by the ASEAN Regional Forum and other bodies.

- Memorandum No.29 – Harmonisation of Aeronautical and Maritime Search and Rescue (SAR)
 Author: Study Group on Harmonisation of Aeronautical and Maritime Search and Rescue (SAR)
 Date published: July 2017
- Memorandum No.28 – Energy Security in the Asia Pacific Region
 Author: Study Group on Energy Security
 Date published: June 2016
- Memorandum No.27 – Implementation of UNSCR 1540
 Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
 Date published: April 2015
- Memorandum No.26 – Towards an Effective Regional Security Architecture for the Asia Pacific
 Author: Study Group on Regional Security Architecture
 Date published: June 2014
- Memorandum No.25 – Maritime CBMs, Trust and Managing Incidents at Sea Author: Study Group on Principles for Good Order at Sea
 Date published: June 2014
- Memorandum No.24 – Safety and Security of Vital Undersea Communications Infrastructure
 Author: Experts Group on Vital Undersea Communications Infrastructure
 Date published: May 2014
- Memorandum No.23 – Enhancing Water Security in the Asia Pacific
 Author: Study Group on Water Resources Security
 Date published: January 2014
- Memorandum No.22 – Non-Proliferation of Weapons of Mass Destruction
 Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
 Date published: September 2012
- Memorandum No.21 – Implications of Naval Enhancement in the Asia Pacific
 Author: Study Group on Naval Enhancement in the Asia Pacific
 Date published: August 2012
- Memorandum No.20 – Ensuring A Safer Cyber Security Environment
 Author: Study Group on Cyber Security
 Date published: May 2012

- Memorandum No.19 – Reduction and Elimination of Nuclear Weapons
 Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
 Date published: February 2012
- Memorandum No.18 – Implementing the Responsibility to Protect (RtoP)
 Author: Study Group on the Responsibility to Protect (RtoP)
 Date published: September 2011
- Memorandum No.17 – Promoting the Peaceful Use of Nuclear Energy
 Author: Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific
 Date published: June 2011
- Memorandum No.16 – Safety and Security of Offshore Oil and Gas Installations
 Author: Study Group on Safety and Security of Offshore Oil and Gas Installations
 Date published: January 2011
- Memorandum No.15 – The Security Implications of Climate Change
 Author: Study Group on the Security Implications of Climate Change
 Date published: July 2010
- Memorandum No.14 – Guidelines for Managing Trade of Strategic Goods
 Author: Export Controls Experts Group (XCXG)
 Date published: March 2009
- Memorandum No.13 – Guidelines for Maritime Cooperation in Enclosed and Semi-Enclosed Seas and Similar Sea Areas of the Asia Pacific
 Author: Study Group on Facilitating Maritime Security Cooperation in the Asia Pacific
 Date published: June 2008
- Memorandum No.12 – Maritime Knowledge and Awareness: Basic Foundations of Maritime Security
 Author: Study Group on Facilitating Maritime Security Cooperation in the Asia Pacific
 Date published: December 2007
- Memorandum No.11 – Human Trafficking
 Author: Study Group on Human Trafficking
 Date published: June 2007
- Memorandum No.10 – Enhancing Efforts to Address Factors Driving International Terrorism
 Author: Study Group on Enhancing the Effectiveness of the Campaign Against International Terrorism with Specific Reference to the Asia Pacific Region
 Date published: December 2005

- Memorandum No.9 – Trafficking of Firearms in the Asia Pacific Region
Author: Working Group on Transnational Crime
Date published: May 2004

- Memorandum No.8 – The Weakest Link? Seaborne Trade and the Maritime Regime in the Asia Pacific
Author: Working Group on Maritime Cooperation
Date published: April 2004

- Memorandum No.7 – The Relationship Between Terrorism and Transnational Crime
Author: Working Group on Transnational Crime
Date published: July 2003

- Memorandum No.6 – The Practice of the Law of the Sea in the Asia Pacific
Author: Working Group on Maritime Cooperation
Date published: December 2002

- Memorandum No.5 – Cooperation for Law and Order at Sea
Author: Working Group on Maritime Cooperation
Date published: February 2001

- Memorandum No.4 – Guidelines for Regional Maritime Cooperation
Author: Working Group on Maritime Cooperation
Date published: December 1997

- Memorandum No.3 – The Concepts of Comprehensive Security and Cooperative Security
Author: Working Group on Comprehensive and Cooperative Security
Date published: December 1995

- Memorandum No.2 – Asia Pacific Confidence and Security Building Measures
Author: Working Group on Confidence and Security Building Measures
Date published: June 1995

- Memorandum No.1 – The Security of the Asia Pacific Region
Author: CSCAP
Date published: April 1994