

**CSCAP Study Group on Preventive Diplomacy and the Future of the ASEAN
Regional Forum
Bandar Seri Begawan, Brunei, October 30-31, 2007
Chairmen's Report (Final)**

The first meeting of the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Preventive Diplomacy (PD) and the Future of the ASEAN Regional Forum (ARF), co-chaired by the United States committee of CSCAP (USCSCAP) and CSCAP Singapore, was held in Bandar Seri Begawan, Brunei, Oct. 30-31, 2007. The Study Group met immediately prior to the ARF Inter-sessional Support Group (ISG) on Confidence Building Measures and Preventive Diplomacy. All ISG participants were invited and encouraged to attend the CSCAP meeting in their private capacities. About 80 individuals participated in the study group, including 25 representatives from 16 CSCAP member committees and 18 of the ARF's 27 members. In addition, 18 Pacific Forum CSIS Young Leaders attended. The report that follows reflects the views of the chair; while participants have been invited to comment upon this draft, it is not a consensus statement of participant views.

Session 1 provided an *overview of Preventive Diplomacy and the ARF*. Kwa Chong Guan of *CSCAP Singapore* gave a brief history, noting the centrality of PD to the ARF mission and identified the tensions within the forum that have inhibited progress toward realization of PD. He highlighted the role that CSCAP played in helping the ARF overcome inertia that blocked movement toward PD – it developed a set of working principles that were largely adopted by the ARF. He concluded with an assessment of the ARF record, explaining that harsher evaluations – that the forum is a mere talk shop – fail to acknowledge progress in confidence building, which lays a foundation for trust and is the starting point for sustained and productive engagement and dialogue.

Herman Kraft of *CSCAP Philippines* followed with a report on the 14th ARF Ministerial meeting that was held in Manila in August 2007. The meeting focused on ways to strengthen capacity where ARF action is nonexistent or weak (institutionalization), ways to strengthen existing processes (dialogues in place), and ways to move forward on those existing processes. According to Kraft, much depends on the Charter that is being drafted by ASEAN and will be presented in November. Its final shape and content will reveal ASEAN's expectations for itself and the mechanisms that it has agreed upon to realize them.

Discussion explored the ambiguities surrounding the concept of PD. There is still hesitance among some ARF governments to embrace PD in fear that it might legitimate interference in member state internal affairs. Some suggested the fear was exaggerated: it is preferred that governments directly involved in a situation resolve the problem themselves. Failing that, several speakers reminded the group that voluntary action is the starting point for PD: as identified in the key principles of PD adopted by the ARF in 2001, PD “is employed only at the request of the parties involved or with their consent.”

We then focused on two areas: the first was the conceptualization of PD itself. Several speakers suggested that the group think of PD much more broadly than it has traditionally been conceived, both to reflect a changed security environment and to

facilitate cooperation. It was suggested that nontraditional security challenges and missions, such as disaster relief, could serve as an arena for action. There was some skepticism about the utility of this approach with other discussants concerned that it would dilute the concept and render it meaningless. Several participants suggested that governments be prepared to accept PD within states – if requested by concerned parties – rather than accept its use only as a tool for inter-state conflict.

The second focus was on how proposed PD mechanisms – the enhanced role of the chair, the Experts and Eminent Persons Group (EEPG), the Friends of the Chair -- would work. While there is agreement on the utility of these tools, it is unclear how they will be deployed and the requisite expertise utilized.

Session 2 examined *the relationship between PD and confidence building*. When the ARF was established, its founders envisioned an evolutionary path that would move from confidence building to “the promotion of preventive diplomacy” and onward toward “the elaboration of approaches to conflict.” There was a nod to the fact that levels of trust were too low and concerns about sovereignty too high to permit anything other than confidence building measures at the outset. Once that foundation had been laid, it was argued, the ARF could evolve toward more proactive measures required by effective PD.

Takeshi Yuzawa of *CSCAP Japan* was pessimistic about the ARF’s prospects for moving toward PD. He identified two sets of obstacles: conceptual and institutional. For him, the chief problem is the fundamental difference between “activist and reluctant countries” over the scope of PD, a distinction that rests primarily on concerns about intervention in internal affairs. The ARF principles of PD restrict its application to those situations that only involve interstate conflicts but Yuzawa concluded, “A rigid adherence to these principles significantly limits the ARF’s potential to play effective PD roles...” Institutional problems include ASEAN’s exclusive chairmanship and its preference for informality. He suggested that the ARF adopt a principle that would allow intervention in intra-state conflicts if the state parties involved gave their consent.

Chyungly Lee of Chinese Taipei largely agreed with that analysis but was more optimistic in her conclusions. She noted that the 1995 concept paper implied that the ARF was intended to grow in an evolutionary and organic fashion; as Lee put it, it would be “a learning process among states.” While there was no clear picture on how that evolution would occur, coercive and military means were excluded from the toolkit. Rather, the preliminary focus would be information exchange and sharing views. She noted that PD as practiced by the ARF would consist of consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties. Its scope would be context specific, it would focus on the subregional level (to contain conflicts) and states would be considered unitary and sovereign actors.

Several questions are critical to the success of PD initiatives: First, why and when will involved parties take their cases to the ARF? Second, how can the ARF become more attractive to disputants? And third, more broadly, how can the ARF make multilateralism matter to the region? Asked another way, the question is what role

will the ARF play -- mediator, facilitator, and arbitrator or activist institution that embraces proactive and positive intervention?

Lee suggested that the ARF focus on long-term efforts to shape security perceptions and the political environment. This necessitates a routine exchange of information and improvement in the transparency of policies. She sees confidence building measures as a structural conflict prevention measure that can be used to develop a regionwide nontraditional security cooperation web. In practical terms, that requires the systematic collection and analysis of information and a system that can fashion an early response when warranted. She warned that incrementalism may be preferred, but that cannot be an excuse for inaction. The ARF must respond to challenges or it risks becoming irrelevant.

Again, discussion returned to the tension between respect for ASEAN norms and the risk of institutional irrelevance. Several speakers cautioned against seeing confidence building measures and PD as mutually exclusive; they can co-exist and the former should not be seen as a substitute for the latter. More significantly, there were several suggestions on ways to move the ARF forward – most of those proposals involved the use of track-two organizations such as CSCAP. For example, it was suggested that CSCAP and the ARF EEPG develop early warning mechanisms. They are well suited to scan the security landscape and identify problem areas in ways that bureaucracies cannot. It was also suggested – and seconded – that the ARF accept intervention in intrastate conflicts if the parties to the conflict request assistance. Dogmatic adherence to the principle of noninterference in internal affairs makes no sense when a state itself is requesting help. Another speaker suggested that the ARF set benchmarks for progress: there need not be a timeline, but a roadmap would be helpful.

Session 3 looked at *Case Studies on Preventive Diplomacy*. Three examples were used: the conflict in Aceh (with presentations by Robert Hygrill a member of the Aceh Monitoring Mission, and Ambassador Wiryono Sastrohandoyo of *CSCAP Indonesia*), the Mindanao conflict (with presentations by Lt Gen. Dato Mohd Zin Zulkifeli, former head of the Malaysian Monitoring Team, and Eugene Martin of the United States Institute of Peace), and the South China Sea (with presentations by Ralf Emmers of *CSCAP Singapore* and Trinh Thu Huyen of *CSCAP Vietnam*). All provided detailed examinations of each conflict and the lessons that can be extracted from them.

Those lessons include:

- recognition that each situation is distinctive and there is no single model to deal with conflicts;
- intervention can only be successful when parties directly concerned want a solution;
- willingness to compromise is essential on the part of all concerned parties;
- strong, bold leadership is often required;
- negotiation is an ongoing process that requires continual effort and mechanisms to ensure that disagreements do not scuttle talks;
- agreement is not enough; implementation of a deal is usually the toughest part;

- agreements are living documents that require tending and adjustment to new circumstances;
- similarly, failure in negotiations need not be final;
- nongovernmental organizations can and have played a useful facilitating role and can be helpful during the implementation phase, but the real work must be done the involved parties themselves.

While leadership is critical to the success of effective intervention – someone has to make a deal – that is a necessary, but not a sufficient, condition. Any deal will affect political rights and responsibilities, and therefore goes to the heart of the local social order. Groups that are impacted must see that they have a stake in an agreement or they won't support it – worse, they will undermine it. Not only should they be given a stake in the success of any agreement but they can also ensure that it is implemented. As one participant explained, they can be pressure groups for success. Another participant agreed, noting that success in Mindanao required building a constituency for peace, not just a particular peace agreement. It is unclear, however, if the ARF as presently constituted can play an effective role in this process.

The fourth session, *Reinvigorating the ARF*, looked at ways to improve the ARF's performance, move toward PD, and make the ARF more relevant. Herman Kraft of *CSCAP Philippines* reported on a brainstorming session held by ASEAN-ISIS earlier in the week that looked at ways to improve the ARF. A draft memo from the meeting is circulating among ASEAN ISIS members and should be presented in a few weeks. Its suggestions range from drafting a new ARF concept paper to putting a moratorium on new admissions. The full list of the suggestions is attached as appendix A to this report.

Kevin Sheives of *USCSCAP* provided his personal views of the ARF's future and potential. He explained that the ARF is considered the primary security forum in the region and is a valuable forum to highlight U.S. engagement in the region as well as its regional concerns. While its alliances will remain the core of the U.S. security posture in the region, the ARF has the potential to be a strong security link.

Unfortunately, said Sheives, there is a perception that the ARF lacks credibility. This view undermines support for the forum – and should be cause for action to improve it. “The ARF must respond to security problems. It doesn't have to do everything, but it should do some things very well.” For Sheives, the best focus for new activity is nontraditional security challenges. There is greater consensus in this area although there are divergences on the appropriate responses to threats. Like other participants, he agreed that the ARF must improve institutional procedures. In particular, there needs to be quicker decision making and a more routine path for developing ideas. Reform is not, he stressed, an attempt to get around the need for consensus. Moreover, he urged the group to look abroad for lessons to apply. While the Asia Pacific region is unique, there are approaches and ideas that can be used if properly adapted.

Tan See Seng of *CSCAP Singapore* followed with another action plan for the ARF. He began by noting that there has been little progress toward PD by the ARF. That is not to say preventive diplomacy is foreign to the region; indeed, he argued PD is alive and well, but not in the ARF. There are confidence building measures, fact finding and monitoring missions, good offices and goodwill missions, experts groups, third

party arbitration, medication, and facilitation efforts, and more. Yet, the ARF remains stubbornly in phase one of the evolution laid out in the original concept paper. According to him, the chief obstacle is the ASEAN mindset, which many consider inconsistent with the demands of PD (an issue tackled earlier in the meeting and earlier in this report).

After describing this dismal state, he then laid out a long wish list of ways to improve the ARF. Some of his best received suggestions were the call to twin the ARF with other regional meetings such as APEC or the East Asian Summit to get synergy and provide an opportunity for an Asia Pacific leaders summit; building closer ties with the United Nations and other regional organizations and institutions; and establishing an ARF secretariat. He stressed the need to establish multiple modalities for problem solving: since all problems are unique and must be responded to in context, he urged consideration of functional issue-specific PD mechanisms that are not region-centric.

Other suggestions in his wish list included: a frank and constructive exchange of views, including on contentious issues; pursuing thematic and problem-oriented agendas; establishing comprehensive, systematic, multi-pronged PD mechanisms, at local and region-wide levels; developing both early prevention (peacetime) and late prevention (crisis-time) modalities; allowing for meetings on emergency basis and a “consensus minus x” principle in decision-making; promoting enhanced defense cooperation among members; formulating norms to ensure security of minority populations while discouraging secessionism; and establishing a mechanism for multilateral mediation cum intervention in the event of state failure or gross violations of human security.

Raymund Quilop of *CSCAP Philippines* gave a final perspective on the ARF. He too felt that 12 years of confidence building measures was enough; the ARF had to move forward or risked becoming irrelevant. He argued that the ARF needs a roadmap beyond the 1995 concept paper: he suggested an ARF vision for 2020 or 2030. In addition, he argued that the ARF should move beyond the 2001 “working definition” of PD and establish a real definition and principles that reflect the new international security environment. Structurally, he endorsed proposals to strengthen the ARF chair (delinking it from the ASEAN chair if needed), to create an ARF secretariat, to name an ARF secretary general, to fully utilize the EEPG, and to strengthen ties with track-two organizations and nonstate actors. Over the longer term, he suggested annual defense ministers’ dialogue and an annual heads of state or heads of government meeting.

There seemed to be a consensus that the ARF needs to move forward. There was no agreement on which suggestions were best or should be supported, but there was considerable discussion on ways to think about change. First, several participants urged policy makers to carefully study other institutions and efforts to ensure that the ARF provide value. It should not duplicate -- or worse, undermine -- other initiatives. A number of individuals agreed that nontraditional security threats could prove a fruitful area for contributions, although other participants cautioned against overlooking traditional military/security challenges.

Second, there was a strong current of opinion that argued frustration with the ARF should not overshadow its strengths. A clear-eyed assessment of the forum is the

starting point for change. Members should acknowledge the particular perspective of the ARF and work to improve the ARF as it exists before turning to broader and more sweeping reform.

Third, participants were cautioned to remember that the ARF – like PD itself – is only a tool. Both items are merely arrows in a diplomatic quiver, available for use when appropriate. There are times when the ARF may not be the best fit for a regional problem, or when PD is not the best approach either.

Indeed, several participants argued that while there has been a lot of work on confidence building measures, much remains to be done. This is the foundation of regional peace and security and should not be neglected. Institutionalization of the ARF should not come at the expense of trust building.

In an attempt to explore another case of preventive diplomacy, session 5 turned to the *Six-Party Talks and their relevance to PD*. We began with a Chinese perspective of the talks by Zhou Xinbao of *CSCAP China*. He evaluated the negotiations highly, characterizing the talks as “an important platform for parties to increase mutual understanding and mutual trust” and “to build a new and harmonious international structure in Northeast Asia.”

He attributed the success to patience and perseverance among all parties, but cautioned that future progress depends on discarding the remnants of the Cold War mentality that some participants seem to possess. Instead, all countries should respect each other and treat each other as equals. All parties should be consulted in the search for common interests and common ground. Zhou argued that all parties should try to build a Northeast Asia security cooperation mechanism that facilitates denuclearization of the Korean Peninsula and doesn't yield new and different blocs in the region.

So Ki Sok of *CSCAP DPRK* gave a North Korean perspective. He too credited the talks with making progress. Moving to the second phase of the Sept. 19, 2005 Joint Statement has put denuclearization of the Korean Peninsula on track. Future progress, argued So, depends on the U.S. decision to peacefully co-exist with the DPRK, evidenced by lifting “all kinds of sanctions which are the expression of hostile policy.” But, he cautioned, “the denuclearization in the Korean Peninsula cannot be achieved by the DPRK's unilateral disarmament but by removal of all nuclear threats fundamentally in and around the Korean Peninsula.” Given the lack of trust between Pyongyang and Washington, only simultaneous action is appropriate to move forward.

So insisted that dialogue and pressure are incompatible. He denounced the introduction of new military equipment on the peninsula by the U.S., U.S.-ROK joint military exercises, and the illicit activities initiative. He also noted that all countries have the right to pursue peaceful nuclear activities. Thus, in keeping with the principle of action for action, he suggested that the U.S. provide a light water reactor as the “action” to match the DPRK's return to the Nuclear Nonproliferation Treaty and cooperation with the International Atomic Energy Agency.

All participants applauded the progress in the Six-Party Talks. There were questions about the future of the negotiations, however. There was curiosity about which countries were thought to be the appropriate negotiators for (and signatories to) the peace treaty that would replace the armistice. Others participants asked about the outlines of the regional security mechanism that Zhou mentioned: at this point, little real thought has been given to it.

Does the ARF have a role to play in Six-Party Talks? Apart from expressing support for the six-party process – as has been done in previous ARF statements – the answer seems to be no. Nonetheless, it was suggested that CSCAP could draft a Statement of Principles for a Northeast Asian Peace and Security Charter. A draft proposal was given to all participants and they were invited to comment upon it. (A copy of a revised version, based on feedback received at and after the meeting, is attached as Appendix B to this report.) The chairs hope to gain consensus on this document and will submit it to the next meeting of the CSCAP Study Group on Combating the Proliferation of Weapons of Mass Destruction in the Asia Pacific (also co-chaired by USCSCAP) for its approval.

As a final topic, the group looked briefly at the situation in Myanmar to see if it has any lessons for PD or for the ARF. This commenced a spirited discussion on conceptual issues, namely whether the overtures to Myanmar can be considered preventive diplomacy. The group was divided, but there was agreement that no matter what the initiatives can be called, there had been little success. There was little optimism regarding future developments in that country and little indication that outside forces, be they governments or international institutions like the UN or the ARF, would have much impact on events.

In conclusion, two days of discussions confirmed the view that the time has come to review the ARF, its status, its successes, and its shortcomings. Participants generally agreed that the ARF has served as an important and successful vehicle for promoting security cooperation and building confidence among its members. It has also taken important steps toward achieving its stated goal of evolving from the promotion of confidence building measures to the promotion of PD measures and the elaboration of approaches to conflict but progress has been slow. Initiatives such as the EEPG, the Friends of the ARF Chair, the ARF Unit, and the production of voluntary Annual Security Outlooks (ASO) can facilitate progress toward PD, as would further institutionalization of the ARF process.

The 1995 ARF Concept Paper has provided a useful roadmap to this point but ARF members should now consider the development of a 2020 Vision Statement to refine and further clarify ARF objectives and provide specific benchmarks for progress. While the current Working Definition and Statement of Principles of PD serve as a useful starting point in the promotion of PD, it should be recognized that, in practice, PD (as demonstrated in the case studies) has also be applied within states, as long as it is “employed only at the request of the parties involved or with their consent.”

Addressing nontraditional challenges may provide a less controversial method of developing and refining PD practices and procedures, but should not distract the ARF from responding to more traditional (and more potentially destabilizing) security challenges. Effective PD requires effective early warning, which could be

accomplished through the establishment of a Risk Reduction Center (as envisioned in the ARF Concept Paper). In the interim, the EEPG could also be given an early warning mission, and a more standardized ASO which focused on emerging security challenges could serve as a vehicle for providing early identification of potential challenges against which PD measures might be successfully applied.

Other general suggestions aimed at further reinvigorating the ARF process include: clearer definition of the role of the EEPG, ASO, Friends of the Chair, and the expanded role of the Chair itself; more emphasis on a pro-active (vice responsive) role for such initiatives, to include the institution of fact-finding and goodwill missions, and “good offices” or mediation services; increased willingness to examine more sensitive or controversial regional security issues; examination of the “responsibility to protect” principle and how this affects the long-standing principle of noninterference; provisions for the calling of emergency meetings to respond to impending crises or conflict; examination of a “full consensus minus x” approach for routine ARF decisions; enhanced cooperation and coordination with other (including track two) organizations; greater encouragement and support of non-ARF bilateral and other regional CBM and PD efforts, including the encouragement of such efforts along the sidelines of (but separate from) ARF gatherings; greater participation of not only defense officials but also officials from other ministries in ARF deliberations; and greater refinement and explanation of the ARF’s niche, i.e., what the ARF brings to the table and how it distinguishes itself from the growing number of other regional multilateral institutions and organizations (the Vision Statement would help in this regard);

Suggestions toward further institutionalization of the ARF include: creation of an ARF Secretariat (through elevation of the ARF Unit); appointment of an ARF Secretary General with clearly defined role and mission; the previously identified suggestion of the eventual establishment of a Regional Risk Reduction Center; and the establishment of a regular ARF Summit, perhaps back-to-back or rotating with the Asia Pacific Economic Cooperation (APEC) Leaders Meeting, East Asia Summit, or other high-level gatherings;.

In short, the ARF needs to think about its future and forge a new consensus on its appropriate role. There is agreement that CSCAP is well suited to help in this endeavor and this study group meeting was an excellent first step. The ARF study of preventive diplomacy best practices can influence thinking about the best future role for the ARF. CSCAP should use the study’s conclusions to guide its own thinking and continue to provide intellectual input on this issue.