

CSCAP Study Group on Preventive Diplomacy
Yangon, Myanmar - Dec 7-8, 2013

Chairman's Report

The Council for Security Cooperation in the Asia Pacific (CSCAP) Preventive Diplomacy Study Group met at the Kandawgyi Palace Hotel in Yangon, Myanmar on December 7-8, 2013. It brought together 41 scholars, analysts, and government officials from throughout the Asia-Pacific region and beyond, including participants in the ASEAN Regional Forum Inter-Sessional Support Group on Confidence Building Measures and Preventive Diplomacy (ARF ISG on CBMs/PD) which immediately followed. All participated in their private capacities. The meeting was co-chaired by Ralph Cossa (USCSCAP) and Mushahid Ali (CSCAP Singapore). The group examined the evolution of preventive diplomacy in the ARF including its conceptualization, the status of the ARF Work Plan on Preventive Diplomacy, the institutional framework associated with its implementation, and practical examples of preventive diplomacy activity in the Asia-Pacific region. The final session was used to identify key findings and recommendations for promoting further implementation within the ARF. The report that follows reflects the views of the chair. While it has been reviewed by all participants, it is not a consensus document.

Session 1: Overview of Preventive Diplomacy in the ARF

Following brief opening comments by the CSCAP co-chairs and the Myanmar host organization, the Myanmar Institute of Strategic and International Studies, *Chyungly Lee* (National Chengchi University) outlined the evolution of the concept and the institutional framework for preventive diplomacy in the ARF. She noted that preventive diplomacy has been a fundamental part of the ARF goal of establishing itself as a forum for enhancing the “peace and prosperity of the region.” As the second stage of a three-part process (stage 1: confidence building; stage 2: preventive diplomacy; stage 3: elaboration of approaches to conflicts leading to conflict resolution capabilities), preventive diplomacy was defined in a document adopted by the 8th ARF in 2001 as “consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties:

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

The 2001 document identified PD measures, which includes confidence building measures, norms building, and enhancing channels of communication. It also included eight key principles that emphasize the non-coercive and voluntary nature of PD activity and that it applies only to conflict between and among States. As a result, the emphasis within the ARF has been on the role of PD in preventing disputes from becoming a threat to regional peace and stability.

Lee concluded her presentation with a brief discussion of preventive diplomacy as a conflict prevention measure. She noted that the UN definition of PD was much broader than the ARF definition and included both indirect approaches, which are designed to change the threat environment, and direct approaches, which are designed to actively engage in preventing conflict escalation. The UN definition is taken from Boutros Boutros Ghali's *Agenda for Peace* speech: "preventive diplomacy [is] action taken to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occurred." In other words, PD is something that is undertaken throughout the conflict cycle and requires "confidence-building measures; it needs early warning based on information-gathering and fact-finding; and it could involve preventive deployment and, in some situations, demilitarized zones." Lee argued that a fundamental challenge for the ARF is to decide if it should continue to continue the pursuit of its fairly circumscribed version of PD or to take up this much broader vision of PD.

In his presentation *Jokhizwan Jaafar* (ASEAN Department, Brunei MOFAT) explained the Concept Paper on Moving Towards Preventive Diplomacy that was adopted at the July 2013 ARF Ministerial Meeting. He noted that while participating members have sought to promote transparency and build trust and confidence through dialogue over the past 20 years, it is only over the past several years that they have shown an increased interest in preventive diplomacy. This is reflected in the recent adoption of the ARF PD Work Plan in 2011, the agreement to convene a roundtable on PD training in 2013, and growing number of statements expressing a willingness and readiness to implement PD among members.

The guidelines in the concept paper are broken into three stages where member states begin by learning, sharing, and understanding PD through participation in workshops and training programs and through partnering with other regional and international organizations to share experiences to develop a better understanding of good practices associated with PD. This would be followed by a period where member states explore and develop PD tools, which leads to a third stage where member states explore opportunities to implement PD mechanisms in the region. He concluded by suggesting that CSCAP could play an important role in this process by suggesting concrete projects and activities that would facilitate movement through the three stages.

One significant complicating factor associated with implementing PD in the ARF that was highlighted during the discussion was the lack of institutional guiding principles within the ARF. Without some basis for regional collective action, it has been very difficult to reach agreement on when it is appropriate to engage in PD-related activity. As a result, even though there are several examples of PD activity in the region, the ARF as an organization has never undertaken any PD initiatives. It was agreed that the overriding principles of non-interference in internal affairs and the protection of sovereignty among several ARF member states make it very difficult to establish a common basis for responding to conflict. A central organizing principle that could be adopted by the ARF to address this gap, which was agreed upon at the 2013 Expert and Eminent Persons Group, is a commitment to the non-violent resolution of conflict. The natural follow-on to this principle is the expectation that member states would be committed to mutual support in response to crises.

The role of early warning in PD was also discussed as a necessary mechanism to facilitate collective action. First, it was agreed that effective early warning is only possible if there is agreement about warning criteria. While no specific criteria have been formulated and no specific agency has been identified as being the focal point, there was agreement that member states do recognize the value of early warning in identifying vulnerable populations that are affected by natural disasters. This is reflected in the wide variety of initiatives that have been undertaken to promote humanitarian assistance in the region. Within ASEAN, the establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management has provided an initial capability. This led some to conclude that early warning is best done at the sub-regional level, while others argued that early warning should entail a much broader range of issues. Examples of early warning in other areas included an evaluation of Annual Security Outlook reports, prior notification of military exercises, and fact-finding missions based on requests submitted by member states.

Session 2: Transition from Confidence Building to Preventive Diplomacy

In session 2, where the discussion was focused on the process of transitioning from confidence building to preventive diplomacy, the two presentations offered a stark contrast regarding perceptions of member states with respect to PD. On one end of the spectrum, *Nam Jong Chol* (DPRK Institute for Peace and Disarmament) highlighted that despite significant changes in the region, vestiges of the Cold War remain in Northeast Asia, especially on the Korean Peninsula. As a result, traditional military threats co-exist with the non-traditional threats (e.g., terrorism, environmental pollution, energy security, natural disasters), making the task of building confidence in the region more difficult. Meanwhile, *Guy Banim* (European External Action Service) focused on the EU program for prevention of violent conflict, with specific reference to its institutional commitment to facilitating negotiations between parties and transforming conflicts with the support of an acceptable third party.

The difference in perceptions was reflected throughout the presentations. Nam viewed confidence building as important for preventing conflicts and as a prerequisite to effective PD. He argued that there was no trust between the disputants on the Korean Peninsula due to the hostile policy of the US toward the Democratic People's Republic of Korea (DPRK), the "interference" policies of the Republic of Korea (ROK), and the "joint military exercises" by the US-ROK alliance, which he alleged violate the principles of "non-use of force" and "non-interference in the internal affairs" of states, as articulated in the 2001 ARF Concept and Principles of Preventive Diplomacy. This has led to a general lack of trust, making it impossible to move toward resolution of the conflict. To solve this problem, Nam said the US and ROK should stop all military exercises as a demonstration of their sincerity and the creation of a peace mechanism on the Korean Peninsula. These actions would allow the establishment of a framework for security cooperation in Northeast Asia.

In contrast, Banim outlined the key elements of the EU program for the prevention of violent conflict: early warning of potential conflicts, enabling a rapid response capability through adequate funding and mission deployment, a comprehensive approach to ensure underlying causes were addressed, and establishing effective partnerships with the UN and other regional

organizations. These mediation and dialogue efforts aim to help the parties reach an agreeable solution that both are willing to implement.

In the discussion, the argument was made that the cultural differences between Europe and Asia resulted in differences in the approach to PD: in Asia it is limited to activity between states, it is largely limited to diplomatic activity, and it focuses on non-traditional security issues. Others argued that this conceptualization is more accurate in describing confidence building and that this approach has limited the ARF capacity to effectively transition to PD activities even though there are plenty of examples of it occurring within the region: outside support in the border dispute between Cambodia and Thailand, mediation efforts in Aceh, peace talks in Mindanao, Six-Party Talks in Northeast Asia, Myanmar peace talks, Timor Leste election observer mission were offered as examples.

Based on these examples, there was the suggestion that PD in Asia might be better done at the sub-regional level. Given the wide range of perceptions regarding the role of PD among ARF member states, the greater sense of community within the ASEAN region, and the varying sensitivities to internal interference, some argued that ASEAN should take the lead in transitioning to more explicit PD-related activity, especially in the area of early warning.

Others argued that this dilemma between building trust and engaging in PD activity misses a fundamental point. CBMs and PD should be viewed as mutually supportive processes that should proceed in parallel, with progress in one supporting progress in the other. In this context, the role of early warning is an essential element in the transition to PD as it can provide critical information and ensure an awareness of a regional security problem. The standardization of the ARF Annual Security Outlook is a clear step in this direction. Confidence building measures should enable the recognition of warning signs and the trust established through this process should facilitate the implementation of PD measures.

Session 3: Implementing the ARF Work Plan

In the third session, *Mala Selvaraju* (Security Cooperation Division, ASEAN Secretariat) provided an overview of the progress being made on implementing the 2011 ARF Work Plan on Preventive Diplomacy. The objectives of the plan, which has 11 specific action lines, are to establish appropriate preventive diplomacy measures/mechanisms, move the ARF process forward, and increase its PD capacity and capabilities. In a review of the work plan's action lines, Selvaraju noted that progress has been made in promoting confidence and strengthening cooperation on non-traditional security issues, including new issue areas such as biosecurity, cybersecurity, maritime security, and climate change. Progress has also been made on standardizing the format for the Annual Security Outlook, however, the percentage of countries completing the report has remained steady at about 60-65 percent. Also, it should be noted that there is no further analysis of the reports after submission. There has limited to no progress made on several action lines in the work plan: identifying and partnering with UN agencies and other organizations to expand PD capacity in the ARF; strengthening of the ARF Unit; standardizing formats and reporting criteria for CBMs; utilizing ARF-related consultative bodies for monitoring and identifying potential flashpoints; identifying and developing optional and voluntary PD mechanisms; establishing

a regional risk reduction center to monitor regional trends; and exploring the potential for mediated/facilitated dialogue. Selvaruju concluded by noting that several improvements had been made and that there was a recognition that more specific tasks for several of the PD-related mechanisms within the ARF are needed to produce concrete recommendations. She also noted and that it will be important to continually review the work plan to assess progress on the action lines and to add or delete lines based on the consensus of the member states.

In the discussion, the group returned to the problem of viewing CBMS and PD as being sequential. As one discussant put it, “viewing confidence building as a precursor to PD is a straightjacket. It is important not to be locked into the narrow view that there is a strict sequence between CBMs and PD.” This was extended into an argument that engaging in PD activities in the region is too difficult for the ARF, especially when the stakeholders were directly involved in the disputes. Instead, it is better to rely on outsiders to mediate conflict. In fact, many of the successful examples from around the region confirm that these types of interventions have achieved some level of success. Others noted that this lack of PD capability remains a problem within the ARF largely due to the fact that several member states have refused to acknowledge that the ARF as an organization is incapable of establishing norms or values associated with peaceful resolution of disputes that transcend the aspirations of the least committed members—a reflection of the underlying principle that the group will move at a pace comfortable to all.

There was some frustration regarding the lack of progress in several areas of the work plan. Part of the problem is the lack of a capacity and the lack of implementation authority for the ARF Unit to act beyond its current mandate, which limits its role to data collection and coordination among member states. Without additional authority and a significant increase in staffing, its role in promoting PD will remain limited. It was also noted that a study should be undertaken to determine how best to sequence implementation actions in the work plan and to develop a more detailed explanation of the requirements and expectations associated with several of the action lines.

Session 4: Organizing for Preventive Diplomacy in the ARF

In session four, *Yang Yi* (China Institute of International Studies) provided an overview of the evolution of PD within the ARF. He highlighted the ARF organizational structure and the process that was involved in establishing mechanisms that could play an important role in the development of PD within the ARF. These include the Eminent and Expert Persons Group (EPPG), Friends of the ARF Chair, and the ASEAN Troika. While recognizing the value of PD, Yang argued that the ARF should continue to place primary emphasis on confidence building through dialogue and cooperative efforts in the areas of non-traditional security. Accordingly, it would be important to take a careful step-by-step approach to implementing PD through the three-stage process described in the ARF concept paper on moving toward PD.

Discussion following the presentation made it clear that there was little appreciation for the structure and organizing principles associated with the PD-related mechanisms within the ARF. The EEPG was the most well-defined mechanism as it has met regularly for the past several

years and has established terms of reference for its activities. There is no indication that the Friends of the ARF and the ASEAN Troika have ever been activated and there is little understanding of the functions they would perform with respect to PD-related activity. The group agreed that better articulation of the roles and responsibilities of these mechanisms will be needed as a capacity for operational PD is established within the ARF. In addition, the need for early warning and the further study of how a regional risk reduction center would serve in that capacity was emphasized.

Session 5: Operationalizing PD in the ARF

In session five, attention turned to the operationalization of PD in the Asia-Pacific region. *Nicholas Farrelly* (College of Asia and the Pacific, Australia National University) offered insights on how preventive diplomacy was being implemented in mainland Southeast Asia. Noting that a significant amount of PD-related activity in several regions in Myanmar has led to a sharp reduction in the number of inter-ethnic conflicts, he argued that PD initiatives have the best chance of success in regions where cultures overlap and where institutions promoting peace are already prospering. Although regional organizations such as ASEAN and the ARF have not been actively involved in these initiatives, Farrelly believed that they could provide important support in the form of early warning and preventive humanitarian action in peacetime while offering goodwill missions, crisis management, or even preventive deployments in times of crises. However, the most important first step in this process is the establishment of a regional risk reduction center, which would serve as a home for an analytical capability and for institutional memory that would serve to facilitate reconciliation.

A presentation by *James Waite* (Asia Pacific Regional Integration Division, New Zealand MOFAT) provided background on several proposals that would be offered to the ARF ISG for consideration that would promote development of a PD capacity and capabilities within the ARF. These included the description of a pilot program for a PD training course for foreign affairs practitioners from ARF member countries. The first course in the proposed series will be a Roundtable on Training Resources for Preventive Diplomacy, which will take place in early 2014. The intent is to use the event to identify institutions that may be able to offer PD-related training, examine means for strengthening PD through identification of available resources, collaborative opportunities, and best practices that have been adopted by other organizations. Waite also presented other proposals that would further develop a shared understanding of PD within the region through an examination of case studies and gain a better understanding of the training requirements associated with implementation of PD mechanisms in the ARF.

Discussion began with several participants reflecting on the fact that there is a significant amount of PD-related activity that has been undertaken in the Asia-Pacific region. However, the lack of systematic data collection and monitoring of these activities makes it difficult to assess effectiveness of strategies and processes involved. In some cases like Myanmar, the response has been from within the country's own resources, while in others like Aceh and Mindanao, the response has come from outside. In this context, the argument that the creation of a risk reduction center could serve as a focal point to coordinate and facilitate these activities and provide early warning of emerging conflicts was again emphasized. However, it was also noted that it is necessary to conduct an in-depth study on the role of such a center and the possible

scope of its operation. Again, the suggestion was raised that the ASEAN Humanitarian Assistance Center could serve as a starting point for this evaluation. It was also agreed that systematically cataloguing the various PD-related activities that have been undertaken in the region would help identify best practices and provide a basis for identifying critical PD needs and help develop a better understanding of effective responses.

Session 6: Key Findings and Next Steps

In session six, the group offered final thoughts and reflections on the evolution of PD in the ARF and offered key findings and recommendations for future action. There was general agreement that the level of interest in the development of PD has increased over the past several years as reflected in the 2011 Preventive Diplomacy Work Plan and the 2013 Concept Paper on Moving toward Preventive Diplomacy. However, there remains much work to be done to reach a consensus with the ARF on both the scope of PD activity and the pace of implementation. Accordingly, the group offered several key findings related to the conceptualization of PD and how the key components of PD relate to implementation within the ARF. The group identified several areas that require additional study. What became readily apparent is the PD-related mechanisms that have been established within the ARF are not well defined and further study is urgently needed. The specific findings and recommendations are:

- PD can help prevent hostilities from emerging and/or limit their escalation, spread, or spillover effect or otherwise manage conflict once it has begun. However, it is only effective when conflicting parties have the political will to resolve the conflict and are willing to voluntarily seek outside assistance.
- While the ARF Charter calls for the body to transition from CBMs to PD to conflict resolution, the ARF has yet to perform a PD function. There have been a number of examples of PD in the ARF region, however, including the recent successful international arbitration between Cambodia and Thailand and earlier mediation efforts in Aceh and Mindanao, as well as the not-yet-successful Six-Party Talks. The Myanmar Peace Center provides an example of an internal PD effort.
- The ARF should be studying examples of successful and unsuccessful PD in and outside the region to determine lessons learned that could facilitate the ARF's movement in the direction of PD. An effort to systematically catalogue these ad hoc activities would help identify best practices and provide a basis for identifying critical PD needs and help develop a better understanding of effective responses.
- While the ARF PD Concept Paper calls for a three-stage approach beginning with learning, sharing, and understanding, followed by exploring and developing PD tools, followed by exploring ARF PD opportunities, this approach should not preclude the ARF from responding to requests for assistance and providing norm-setting support for other PD initiatives, while also welcoming external offers of assistance.

- CBMs and PD should not be viewed as being along a continuum but rather as mutually supportive processes that can/should proceed in parallel, with progress in one supporting progress in the other.
- For the ARF to transition to a PD role, member states must be willing to submit unresolved grievances to ARF PD mechanisms and such mechanisms need to be developed and refined. These include the Role of the ARF Chair, the Friends of the Chair, and the ARF Experts and Eminent Persons Group (EEPG). The ASEAN Troika could also serve a broader PD role within the ARF. For the ARF to perform a PD function, the ARF Unit must be strengthened and enhanced.
- Potential PD roles for the Friends of the Chair or EEPG include identifying issues of common concern that could benefit from fact-finding missions, along with the conduct of such missions if/as desired by the ARF. EEPs could also conduct deeper analysis of Annual Security Outlook (ASO) submissions to identify common security concerns and potential hot spots and help identify and better define the tools of PD and how they can best be applied in the Asia-Pacific region.
- As noted by the EEPG, a key issue for the effective implementation of preventive diplomacy is an acceptance of “nonviolent resolution of conflict” as a central organizing principle; mutual support in response to crises should be a regional expectation.
- Early warning is an important component of implementing PD. It is important to distinguish between early warning and crisis response. Early warning can provide critical information and ensure an awareness of a regional security problem without judgment of cause or required response.
- While the standardization of the format for the ASO is a positive development, additional analysis is needed to provide early indicators of the most pressing security issues in the region. The ASO could serve both as a useful vehicle for identifying shared and divergent security concerns and, potentially, as an early warning mechanism to determine potential hot spots that might lend themselves to PD.
- To perform a PD function, the ARF must be more pro-active in identifying potential conflicts where PD efforts might prove useful. Fact-finding missions can be particularly helpful in this regard.
- The establishment of a regional risk reduction center (RRRC), while desirable, remains a long-term objective. While the idea of such a center, especially to provide early warning and coordinate regional response, is attractive, a detailed study is needed to determine its feasibility, desirability, and timing.
- More active participation by ASEAN in PD activities could set the stage and provide the example for the ARF’s transition to a PD role. Likewise, the establishment of an ASEAN RRRC could provide the foundation for a future ARF RRRC.

- The ASEAN Coordinating Centre for Humanitarian Assistance is a useful model for the development of an ARF RRRC. As a focal point for data collection, risk analysis, and mobilization coordination, the Centre provides the key elements to create the capacity needed to evaluate events that might warrant a PD response.
- The ARF Roundtable on Training Resources for PD to be held in Wellington in March 2014 represents an important initial step in developing PD capacity in the ARF. Additional training activity can increase familiarity with PD concepts and practices. The European Union is also well suited to provide specific training on a variety of PD skills; mediator training in particular would promote a better understanding of PD and promote conflict resolution skills, as would an examination of case studies.
- The Timor-Leste Election Observer Mission represented an important step forward for the ARF in moving toward a PD mission. More such missions would also serve to better develop monitoring expertise within the ARF. EEPs and others should receive training in election observation and monitoring techniques to develop a cadre of experienced participants for future observer missions, if and when invited by ARF member countries.
- Area for future study to support the ARF's transition to PD include:
 - o an examination of the obstacles and concerns surrounding the ARF's transition to PD;
 - o case study analysis of other PD efforts to determine lessons learned;
 - o an deeper assessment of the potential role of the ARF Chair, Friends of the Chair, EEPG, and ASEAN Troika in operational PD initiatives;
 - o an in-depth analysis of ASO submissions to identify the most pressing common security concerns in the region and/or complimentary studies identifying potential conflict areas where PD efforts might apply;
 - o a study on how to integrate PD into the broader framework of the Treaty on Amity and Cooperation;
 - o identification of CBMs that can enhance the transition toward PD activities;
 - o an analysis of the potential role of an RRRC;
 - o an assessment of the ARF PD concept and principles.

These could be the subject of ARF Workshops or directed research, or could be examined by the EEPG or CSCAP.

- To further independent research on the topic, open publication and broader distribution of the "Joint Study on Best Practices and Lessons Learned in Preventive Diplomacy" commissioned by the ARF in 2008 is strongly recommended, as is a follow-on study to determine how the ARF

PD initiative could benefit from interacting with or integrating some early warning functions into the ARF.

The ARF has long moved “at a pace comfortable to all.” It should consider moving “at a pace comfortable to none,” in order to prevent itself from being overshadowed or marginalized by other evolving multilateral dialogue mechanisms, such as the East Asia Summit and ASEAN Defense Ministers Meeting Plus. Greater effort is needed to further define the relationship and responsibilities and areas of focus among these and other regional organizations.

For more information, please contact Ralph Cossa [RACPacForum@cs.com]. These findings reflect the views of the CSCAP Preventive Diplomacy Study Group co-chairs Mushahid Ali (CSCAP-Singapore) and Ralph Cossa (USCSCAP); this is not a consensus document.