

**CO-CHAIRS' SUMMARY REPORT
THE FOURTH MEETING OF THE ASEAN REGIONAL FORUM
EXPERTS AND EMINENT PERSONS
BALI, 14-15 DECEMBER 2009**

INTRODUCTION

1. Pursuant to the decision of the 16th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Phuket, Thailand on 23 July 2009, the Fourth Meeting of the ASEAN Regional Forum Experts and Eminent Persons, taking the theme of "Preparing an ARF Work Plan on Preventive Diplomacy: Moving Forward from Confidence Building Mechanisms to Preventive Diplomacy" was held in Bali, Indonesia on 14-15 December 2009. The Meeting was co-chaired by Mr. Jusuf Wanandi from Indonesia and Ambassador Frank Wilson from New Zealand.
2. The Meeting was attended by 55 participants from all ARF participants except Bangladesh, Mongolia, and Sri Lanka, along with the ARF Unit of the ASEAN Secretariat. The list of delegates is attached as **Annex 1**.

OPENING SESSION

3. At the opening session, David Strachan, alternate ARF-SOM Leader of New Zealand delivered welcoming remarks, which highlighted examples of preventive diplomacy in the region and drew EEPs' attention to the mandate given to them by Ministers at the 16th ARF to provide their views on possible elements of a work plan on preventive diplomacy. The address is attached as **Annex 2**.
4. H.E..Triyono Wibowo, Vice Minister for Foreign Affairs of the Republic of Indonesia, delivered the Keynote Address during the opening session. In his address, he underlined the need for the ARF to establish institutional frameworks and mechanisms for the implementation of preventive diplomacy as tasked by the Minister at the 16th ARF. He expressed his hope that the ARF EEPs could not only share views and recommendations but also come up with a preliminary draft work plan on Preventive Diplomacy or skeleton of such work plan including suggested form and priority areas. The keynote address is attached as **Annex 3**.

PLENARY SESSION 1

5. The Meeting adopted the Agenda, which appears as **Annex 4**.
6. Mr Jusuf Wanandi, EEP Co-Chair from Indonesia, welcomed EEPs to Bali and highlighted the need to ensure the ARF and the EEPs Group were not just 'talk shops'. The EEPs had the opportunity to push the envelope in the ARF and should work to move efforts on preventive diplomacy towards action. Ambassador Frank Wilson, EEP Co-Chair from New Zealand observed that this was the first ARF EEPs' meeting that had been given specific tasking from Ministers and it could therefore be seen as a test of whether the EEP system worked. The ARF EEPs had a role to play in moving the ARF forward.

7. Mr. Ralph A. Cossa from the Pacific Forum Centre for Strategic and International Studies and Mr. Tan See Seng and Mr Ralph Emmers from the S. Rajaratnam School of International Studies presented on recommendations of the Joint Study on Best Practices and Lessons Learned in Preventive Diplomacy which had been incorporated in the Matrix of Relevant Recommendations. Mr. Tan See Seng and Mr. Ralph Emmers provided an overview of the development of Preventive Diplomacy in the ARF, and observed that while a lot of work had been done conceptually on on Preventive Diplomacy, the ARF had been slow in achieving its own benchmarks. Mr. Ralph Cossa noted that there was a need to define how other ARF efforts related to PD; to assess how the ARF could be more responsive; to develop milestones for PD; to identify training and trainers, and to define clearer cut roles for existing ARF mechanisms such as the EEPs, Friends of the Chair (FOC), ARF Chair and ASEAN Secretary-General. The presentation appears as **Annex 5**. The meeting recommended that the full Joint Study be released and be made available to the public.
8. During this Plenary session Mr. Termsak Chalermphanupap, Director for Political Security Community of the ASEAN Secretariat, briefed the meeting on the role of the ARF EEPs, its operating guidelines as well as the mechanism through which EEPs are selected. He advised that EEPs are individuals nominated by ARF Members and registered with the ARF Unit in the ASEAN Secretariat. He also elaborated developments of preventive diplomacy within the ARF process. His presentation appears as **Annex 6**.

PARALLEL DISCUSSION GROUPS

9. Group one discussed two main areas: identification of areas where structural preventive diplomacy initiatives could be undertaken; and establishment of specific preventive diplomacy roles for the Experts and Eminent Persons Group (EEPG), Friends of the Chair (FOC) and the ASEAN Secretary General. The group discussion was facilitated by the Co-chair New Zealand and recorded by Ms. Carolina Hernandez, EEP from Philippines, as the rapporteur.
10. The group had a discussion on the definition of structural PD, where it was decided that “structural” would cover both norms and mechanisms as stated in the Relevant Recommendations for Follow-up from the ARF Study on Preventive Diplomasi. The Group agreed on the need to move the ARF process forward from CBMs to PD through action-oriented recommendations.
11. On the second topic, the group drew a distinction between mechanisms and means. In addition, the group made several recommendations to enhance the roles of the EEPs, Friends of the Chair and the ARF Chair to contribute to preventive diplomacy initiatives.
12. Discussion of group two was focused on two main areas: identification of Information collection requirements to support preventive diplomacy; and conceptualization of monitoring and engagement systems for emerging security challenges. The facilitator for this discussion group was the Co-Chair Indonesia with rapporteur EEP from Korea, Mr Lee Seo Hang.

13. The discussion group stressed the importance of establishing a mechanism for sharing of information related to preventive diplomacy in Asia-Pacific, taking advantage of information technology. The group also emphasized the importance of more meaningful engagement between track 1, track 1.5 and track 2 groupings. The group encouraged work towards standardizing the format of the Annual Security Outlook and making this process more meaningful by developing a review mechanism.

PLENARY SESSIONS 3, 4, 5 and 6

14. Building on reports from the two discussion groups, the Meeting further discussed priority issues, possible work programs, and scope of preventive diplomacy to be undertaken within the ASEAN Regional Forum. The Meeting considered a 'draft elements of a work plan on preventive diplomacy', which was subsequently finalized by the Co-Chairs.

15. The Co-Chairs' Summary Report, and associated 'draft elements of a work plan on preventive diplomacy', will be submitted to the next ARF Inter-Sessional Support Group on Confidence Building Measures and Preventive Diplomacy for further consideration by ARF Senior Officials. The draft was prepared by the Co-Chairs, taking into consideration the inputs from the participants of the meeting. The preliminary draft elements of a work plan - which reflects the substance of the 4th ARF EEPs' meeting - appears as **Annex 7**.

CONCLUDING SESSION

16. Co-Chairs noted that outcomes and conclusions of the Meeting would be reported to the ARF SOM in Hanoi in May 2010. The Meeting endorsed the idea that Co-Chair EEPs from this meeting should report directly to the ARF ISG and/or SOM.

17. Timor Leste offered to host the next ARF EEPs meeting in 2010, co-chaired with Thailand.

18. The Meeting expressed appreciation to the Co-Chairs for facilitating a frank and open discussion. The Meeting also thanked the Governments of the Republic of Indonesia and New Zealand for the excellent arrangements and hospitality extended to all participants.

ANNEX 7

ASEAN Regional Forum

Draft Elements of a Work Plan on Preventive Diplomacy

Background

The ASEAN Regional Forum (ARF) was established in 1994 to maintain peace and stability in the region and to promote regional development and prosperity. The ARF put in place a three stage process – stage one focussed on promotion of confidence building measures, stage two on development of preventive diplomacy and stage three on the elaboration of approaches to conflict resolution.

Thus far, the ASEAN Regional Forum has been successfully contributing towards peace and security in the region. The ARF has institutionalized the ‘ASEAN Way’ as a common code of conduct, and established Confidence Building Mechanisms (CBMs) as the primary actions of the ARF.

However, focusing on the ASEAN way and consensus building, while useful in providing a shared basis for cooperation, has led to slow progress of the ARF. Additional, there is a changing strategic landscape and an increasing demand for more effective regional institutions. To respond to this, and to face new and emerging challenges in the region, it is necessary to move to the second stage of the ARF evolutionary approach – preventive diplomacy.

Context / Mandate

At the 16th Ministerial Meeting of the ASEAN Regional Forum in Phuket, Thailand in 2009, the Chairman’s Statement included the following directive:

“The Ministers took note of the Matrix of Relevant Recommendations for Follow-Up from the ARF Study on Preventive Diplomacy...Recognising that preventive diplomacy activities should take into account the principles of the UN and ASEAN Charter as well as those set out in the ARF Concept Paper of 1995, they mandated officials to begin the development of an ARF PD Work Plan, drawing on the above mentioned matrix and other relevant ARF documents, and requested the ARF Experts and Eminent Persons (EEPs) to provide their views on the elements of such a Work Plan...The Meeting encouraged the ARF EEPs to focus their work on developing ideas on practical preventive diplomacy measures.”

The 4th meeting of ARF EEPs was convened in Bali, 14-15 December 2009 to respond to this mandate.

Definition of Preventive Diplomacy

EEPs based their discussions on the definition of Preventive Diplomacy included in the 'Concept and Principles of Preventive Diplomacy' agreed by the ARF in 2001, as follows:

Preventive Diplomacy is consensual, diplomatic and political action taken by sovereign states with the consent of all directly involved parties:

- To help prevent disputes and conflicts from arising between states that could potentially pose a threat to regional peace and stability;
- To help prevent such disputes and conflicts from escalating into armed conflict; and
- To help minimise the impact of such disputes and conflicts in the region.

Guiding Principles

These draft elements of a Work Plan on Preventive Diplomacy (PD) proposed by EEPs take full account of the principles of non-interference, respect of sovereignty and consensus as the basis of ASEAN way. It also endorses the norms of PD established in the UN Charter, ARF Concept Paper, Treaty of Amity and Cooperation and ASEAN Charter.

Scope of a Work Plan on Preventive Diplomacy

A Work Plan on PD should address all causes of potential conflict, including traditional and non traditional security issues. However, some preventive diplomacy efforts may be tackled in the short-term, while others should be developed in the medium and long-term. In this regard, there is a need to develop PD mechanisms that could apply all types of security issues.

Objectives of a Draft Work Plan

- a. To move the ARF process forward from CBMs to PD through action-oriented cooperation and activities;
- b. To increase the PD capacity and capabilities of the ARF and its participating member countries through tailor-made training activities;
- c. To improve information collection, dissemination and analysis relevant to emerging regional security concerns and PD activities; and
- d. To refine PD mechanisms in the ARF.

Priority Areas

EEPs recommend the following priority areas of focus where preventive diplomacy action should be directed, and preventive diplomacy mechanisms put in place:

1. Traditional Sources of Conflict

This should include:

- Territorial disputes (both sea and land)
- Arms proliferation (both nuclear and conventional)
- Political and legal disputes

2. Non-Traditional Sources of Conflict

This should include:

- Terrorism
- Human Rights issues
- Maritime security issues
- Environmental issues (including resource competition, cross-border pollution and disaster relief)
- Movement of peoples and migration issues

Programme of Work

EEPs recommend that a Programme of Work for a Work Plan on PD include the following elements:

1. Capitalise on confidence building measures

This should include:

- (a) Improving the collection, dissemination and exchange of information and analysis relevant to issues of security concern in the region, along with best practices on PD.
- (b) Re-developing the template for the Annual Security Outlook (ASO) and ensuring ARF Member States update this appropriately each year. The new template should be meaningful and focus on areas of current or emerging security concern. A review mechanism, possibly involving the EEPs (see section on enhancing the role of the EEPs in 3(b) below) should be established to review and analyse the ASOs. In this regard, the EEPs endorsed the current process underway by the ARF Unit to redevelop the template for the ASOs, with support from the S Rajaratnam School of International Studies, and encouraged timely implementation of the outcomes of this process.

- (c) Considering the establishment of a centre / clearinghouse for information on CBMs, perhaps beginning as a secure internet-based website (managed by the ARF Unit).
- (d) Developing more meaningful track 1 / track 1.5 (i.e. EEPs) / track 2 engagement and consultation, including by developing a linkage between the EEPs and the ARF ISG and SOM. The EEP/s from the current Chair of the ARF should be invited by the Chair to attend both the SOM and ISG meetings. They should then write a report to be disseminated to all ARF EEPs and ARF Member States. Co-Chairs of the 4th ARF EEPs meeting should report back to the next ARF ISG or SOM.
- (e) Improving networking between established regional security centres and think tanks and the ARF Unit. Utilising CSCAP and ASEAN ISIS to monitor flashpoints, in coordination with the ARF Unit.
- (f) Documenting areas of concern raised by ARF members in regular official and Ministerial meetings, and using this as a basis for identifying preventive diplomacy target issues.

2. Implementing preventive diplomacy activities, along with capacity-building and training for such activities

This should include:

- (a) Development and elaboration of ARF mechanisms for concrete actions in preventive diplomacy such as: good offices; mediation; fact finding missions; and early warning systems.

For example, during the EEPs meeting, Timor Leste welcomed the possibility of the ARF sending a fact finding mission to Timor Leste ahead of the 2012 elections to ensure institutions in the country were supported and able to carry out free and fair elections, without conflict. The idea of assessing whether an Avoidance of Naval Incidents at Sea Agreement could be applicable in the region – by looking at examples from other regions – was also discussed. These could be initial concrete PD initiatives for an eventual Work Plan.

- (b) Training and capacity building in specific preventive diplomacy mechanisms as listed in (a), and how these can be applied to a conflict or dispute. In this regard, regional training centres and ARF member states with specific preventive diplomacy training capacity should be identified to support training initiatives.

3. Establishing preventive diplomacy mechanisms

This should include:

(a) Strengthening the ARF Unit

- The budget, human resources and physical office space for the ARF Unit should be increased to meet growing demands on the Unit.
- The ARF website should be further developed and monitored to improve information collection and dissemination on emerging areas of regional security concern and best practices on preventive diplomacy.
- Consideration should be given to expanding the 'attachment/secondment' programme to the ARF Unit to non-ASEAN ARF countries, particularly for 'expert' secondments.
- To support an enhanced role for EEPs as set out in (b) below.

(b) Enhancing the role of EEPs

- EEPs should be used as an expert consultative resource for the ARF.
- Consideration could be given to utilising individual ARF EEPs for specific PD activities or negotiations, particularly in a conflict of interest situation with the ASEAN SG or Troika.
- Consideration could be given to developing EEP thematic sub-groups, and an EEP Coordinator should be appointed from among the EEPs of the current ARF Chair country, to ensure more effective and timely consultation and contribution by EEPs to preventive diplomacy issues.
- Consideration could be given to utilising the EEP group as an early warning mechanism, including for example as a 'review mechanism' for the Annual Security Outlook (ASO) process.
- The guiding principles for the operation of the EEPs may need to be reviewed to take account of the above suggestions.

(c) Application of the role of the 'Friends of the Chair' (FOC)

- The FOC mechanism should be operationalised and utilised.
- The Terms of Reference (TOR) for the FOC should be reviewed to account for a situation where a member of the FOC might be party to a dispute.

(d) Enhancing the role of ASEAN Secretary-General

- The primary preventive diplomacy role of the ASEAN Secretary-General should be first and foremost as lead person in approaching parties to a dispute to offer ARF's good offices, outside mediation or other PD mechanisms, subject to authorisation by the current ARF Chair.

Timeline

A Work Plan on Preventive Diplomacy should take account of what initiatives and mechanisms can be implemented in the short term, and what initiatives and mechanisms should be developed in the medium term and long term, alongside CBMs.