

**CO-CHAIRS' SUMMARY REPORT
THE TENTH MEETING OF THE ASEAN REGIONAL FORUM
EXPERTS AND EMINENT PERSONS
SINGAPORE, 29 FEBRUARY – 2 MARCH 2016**

INTRODUCTION

1. Pursuant to the decision of the 22nd Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Kuala Lumpur on 6 August 2015, the Tenth Meeting of the ASEAN Regional Forum Experts and Eminent Persons (EEPs) was held in Singapore from 29 February – 2 March 2016. The Meeting was co-chaired by Ambassador Barry Desker, EEP of Singapore, and Professor Paul Dibb, EEP of Australia.
2. The Meeting was attended by EEPs and representatives from ARF Participants except the Democratic Peoples' Republic of Korea, India, Mongolia, Papua New Guinea, and the Philippines. Representatives from the ARF Unit of the ASEAN Secretariat were also present. The List of Delegates is attached as **ANNEX 1**.

AGENDA ITEM 1: Opening Remarks by Co-Chairs

3. In their opening remarks, the Co-Chairs welcomed all participants to the Meeting and expressed their hope that the Meeting could have open and fruitful discussions especially during the breakout group sessions.

AGENDA ITEM 2: Adoption of Agenda and Business Arrangements

4. The Meeting adopted the Agenda and Programme which appear as **ANNEX 2**.

AGENDA ITEM 3: Session 1 – Opportunities and Challenges for Preventive Diplomacy in the Asia-Pacific

5. The Meeting discussed the paper on the Terms of Reference for an ARF EEPs Study on Lessons Learnt and Best Practices Concerning Incidents at Sea which was prepared by Australia. The paper is attached as **ANNEX 3**. The proposed study would highlight the experience of existing agreements and mechanisms on the issue of incidents at sea and recommend measures to prevent and manage incidents at sea. In this regard, the paper proposed an indicative list of issues for further study which include:
 - Prospective Policy Level Agreement given existing agreements cover actions at the tactical level;
 - Non-naval vessels and aircraft as existing agreements only apply to naval vessels and military aircraft, and not, for example, to coast guard patrol vessels;
 - Submarines given existing agreements do not apply to submarine operations or search and rescue;

- Managing incidents through a whole-of-government approach covering maritime law enforcement, fisheries, marine environmental protection, and other relevant agencies;
 - Law enforcement operations such as live fire or other actions endangering human life;
 - Regular consultative arrangements to discuss the state of play with agreements and to follow up on any incidents that have occurred;
6. The paper proposed the establishment of an open-ended working group of ARF EEPs and experts nominated by governments with expertise of maritime issues to undertake the study. The activities of the working group would be self-funded or funded by the governments of the ARF EEPs in the working group. The study would produce a draft paper for the consideration by all ARF EEPs at the 11th Meeting of the ARF EEPs in Australia, with a view to submitting the paper to the ARF SOM and the 24th ARF in 2017.
7. Reflecting on the terms of reference paper, the ARF EEPs highlighted the following concerns:
- Existing arrangements have mostly been applicable to naval vessels and it would be a challenge to apply these to non-naval vessels such as coast guards;
 - The expertise, capacity and readiness of the ARF EEPs to conduct a study on an extremely complex issue such as incidents at sea;
 - The geographical area of the study is unclear;
 - Expanding the scope of the study to include qualitative and quantitative analysis of incidents at sea; and
 - The feasibility of completing the study in one year.
8. The Co-Chairs recalled the Chairman's Statement of the 22nd ARF which encouraged the convening of Track 1.5 initiatives such as the proposed study and the APSC Blueprint 2025 on utilizing the recommendations of the ARF EEPs, where appropriate, to strengthen the ARF. The relevant paragraphs of the Chairman's Statement are as follows:
- 37. The Ministers encouraged the involvement of ARF EEPs as well as Track 2 Officials at the relevant ARF Meetings / Activities. The Ministers also encouraged the convening of Track 1.5 initiatives, which could serve as an exploratory approach in discussing complex political and security issues in support of the role of the ARF as the primary platform for dialogue and consultation.*
- 38. The Ministers expressed their appreciation to the active role of the ARF EEPs in supporting the progress of the ARF in particular to serve as resource persons to the ARF on issues of relevance to their expertise. In this regard, the Ministers tasked the officials to deliberate on the recommendations submitted by the ARF EEPs with the view to turn them into concrete initiatives for consideration in the next inter-sessional year.*
9. The Co-Chairs also recalled the Hanoi Plan of Action which stipulated that the ARF should serve as a regional forum for maritime security issues that promotes

and enhances maritime domain awareness by 2020, and for the ARF to develop concrete and effective regional responses to maritime security challenges.

10. The Meeting expressed support for the study and welcomed Singapore and Australia's offer to co-chair the working group.

AGENDA ITEM 4: Session 2 – Review of the Implementation of the ARF Work Plan

Review of the Recommendations of the 9th ARF EEPs Meeting

11. The Co-Chairs reviewed the recommendations made at the 9th ARF EEPs Meeting in Helsinki in March 2015. On the recommendation to update the Register of ARF EEPs, the Co-Chairs suggested for (delete) the ARF EEPs to (delete) submit a concise version of the respective CVs containing their contact details, past and present positions and areas of expertise. The revised CVs should not exceed 500 words. The Meeting also recalled the recommendation of the ARF ISG on CBMs and PD in Tokyo in May 2015 for the EEPs to nominate preventive diplomacy focal points.
12. The Meeting welcomed the online publication of the 2008 Joint Study on Best Practices and Lessons Learned in Preventive Diplomacy at the ARFNet website under the Library section.

AGENDA ITEM 5: Session 3 – Report of the Informal Working Group

13. The Meeting took note of the summary paper of the discussions of the ARF EEPs Informal Working Group Meeting which took place on 29 February 2016 and provided suggestions to the summary paper. The revised summary paper is attached as **ANNEX 4**.

AGENDA ITEM 6: Session 4 – Breakout Groups

Group 1 – Maritime Security in East Asia Cooperation

14. Mr. Jusuf Wanandi, EEP of Indonesia, facilitated the discussions in Group 1 on Maritime Security in East Asia Cooperation.
15. The Group reviewed the current scenario in the East China Sea and noted a slightly improved condition in the area. The relations between China and Japan concerning the area has been stabilised and better managed.
16. The Meeting discussed the rising tensions in the South China Sea region. Some members of the Group highlighted the deteriorating trust deficit in the region as there is a gap between formal statements or promised commitments and real conditions on the ground, particularly on the ongoing reclamation, construction, and militarisation activities.
17. The Group also noted further complications in the South China Sea situation caused by strategic competition between major powers especially China and the

United States. The justification on the Freedom of Navigation Operations (FONOPs) by the United States vis-à-vis the justification on constructing and deploying military equipment by China will eventually lead to a classic action-reaction chain that could further aggravate the situation.

18. On the arbitration tribunal process put forward by the Philippines to the Permanent Court of Arbitration (PCA), the Group believed the upcoming decision (predicted in June) would bring new dynamics to the issue. However, some members of the Group believed that there would be opportunities for cooperation after the decision.
19. The Group also deliberated on the effort to promote maritime cooperation in both the East China Sea and the South China Sea. The Group identified that in order to promote cooperation in the contested region, countries should start with an area of cooperation furthest from sovereignty issues. Cooperation related to fisheries are deemed most appropriate albeit there has been relatively little progress on fisheries cooperation. On this topic, the Group took note of the convening of the ARF Workshop on Improving Fisheries Management in Honolulu in March 2016 and the ARF Workshop on Illegal, Unreported and Unregulated (IUU) Fishing in Bali in April 2016. The concept of these workshops is to build norms on responsible fishing, mainstream the discussions on IUU fishing and explore the linkages between IUU fishing and transnational crime.
20. The Group identified two measures to be considered:
 - The Declaration on the Conduct of Parties in the South China Sea (DOC) and the Code of Conduct in the South China Sea (COC) negotiation process should be accelerated. Some preliminary progress report on the COC consultations should also be released to the public in order to maintain the credibility of the negotiation process.
 - Civil maritime cooperation should be promoted within the ASEAN Maritime Forum (AMF) and the Expanded ASEAN Maritime Forum (EAMF) as the drivers of such cooperation.

Group 2 – Korean Peninsula: Modalities and Procedures for the Resumption of Security Discussions and Negotiations

21. Mr. Brian Job, EEP of Canada, facilitated the discussions in Group 2 on the Korean Peninsula: Modalities and Procedures for the Resumption of Security Discussions and Negotiations.
22. In their review of the current state of affairs, the Group agreed that conditions had deteriorated significantly since the 9th ARF EEPs Meeting, with the DPRK's fourth nuclear test and the sixth ballistic missile launch. Additionally, the DPRK's intransigent attitude and self-regard for seeking recognition as a nuclear power state appears to have deepened, thus reducing the prospect for meaningful negotiation on denuclearisation of the Korean Peninsula and inter-Korean relations.

23. The Group looked to the imposition of tougher sanctions, currently being considered by the UN Security Council, as *the* necessary next step, and only viable option at present, to bring about change in the DPRK's attitudes and policies. Prior sanctions have not been effective, and for any new sanctions to "bite", they must fully be implemented by all relevant parties.
24. Some members of the Group wondered if even new, tighter sanctions would achieve desired results. The group discussed other avenues of engagement as have been mentioned in the 8th and 9th ARF EEPs Meeting reports, including "parallel talks" with the DPRK, but agreed that none were appropriate initiatives to advance at this time.
25. The Group agreed with prior EEP Meeting recommendations that the ARF encourage attendance of the DPRK at its meetings, but saw the ARF's role as limited to facilitating meetings on the sidelines of relevant parties.

Group 3 – Cross-border Cooperation to Manage IS Threat

26. Mohamed Jawhar Hassan, EEP of Malaysia, facilitated the discussions in Group 3 on Cross-border Cooperation to Manage the Islamic State (IS) Threat. The Group was attended by representatives from Brunei Darussalam, Cambodia, Indonesia, Myanmar, New Zealand, Pakistan, Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam.
27. The Group noted that the ARF had been addressing the terrorism threat for many years now and had established comprehensive plans for this purpose, in particular the ARF Cooperation Framework on Counter-Terrorism and Transnational Crime (CTTC) 2007 and the ARF Work Plan for CTTC 2015-2017. It was agreed that while both documents provided a comprehensive template and work plan for managing terrorism in general and IS in particular, the challenges posed by IS were unprecedented in scale and global in their impact. Modern information and communication technology and the social media enabled the movement to broadcast its message globally and secure support and recruits from groups in many countries.
28. The Group shared the view that international law, especially relevant multilateral conventions and resolutions adopted by the UN Security Council, provide a strong legal foundation for cross-border counter-terrorism measures. This is true especially in the area of monitoring illicit funds to the IS. Nevertheless, bilateral cooperation is still critical for improving the management of the threat. Countries involved should continue to strengthen their cooperation in relevant areas including establishing extradition arrangements.
29. The Group also shared the view that there is a need to improve the sharing of information and experiences among the countries involved. A more comprehensive counter-narrative developed together with the media was also required to mitigate the spread of IS ideology and propaganda.
30. The Group further agreed that the threat of IS and terrorism in general could not be effectively countered without discussing the root causes more candidly and

addressing them more comprehensively. These root causes varied between countries, and included not only the spread of extremist religious ideology and local political and socio-economic conditions such as abuse of human rights, oppression, marginalisation of minorities, poverty, breakdown of law and order, massive humanitarian disasters and unresolved disputes but also the factors that led to the rise of IS in Iraq and Syria, sectarian conflict and the actions of outside powers that sometimes supported various militant groups to further their respective geo-political interests in Syria, Iraq and the Middle East in general.

31. There was general agreement on the following recommendations to further enhance the effectiveness of cross-border counter-terrorist measures:

- The six Priority Areas identified in the ARF Work Plan for CTTC 2015-2017 related not only to terrorism but also to transnational crime. While the two threats were inter-twined, the IS threat could be more effectively addressed if greater attention and more resources were devoted to the three Priority Areas most critical to combating the IS threat, namely ICT, counter-radicalization and terrorist financing. However illicit drugs, chemical, biological, radiological and nuclear (CBRN) and trafficking in persons were less critical.
- More effective surveillance and control of borders besides enhanced law enforcement and tight controls at legal points of entry and crossing was critical for checking the movement of terrorists, arms and logistics. Effective care and management of the refugee problem and resolution of long-standing disputes also need to be urgently addressed.
- The exchange of intelligence and information among the intelligence and security agencies domestically as well as among countries should be further enhanced.
- Since the threat and appeal of IS emanates from its cradle in Syria and Iraq, the root causes that led to their emergence and that continue to fuel the conflicts in the two countries need to be discussed and addressed more effectively.
- Countries that do not yet have adequate bilateral extradition treaties, mutual assistance agreements and national laws should address these areas quickly.
- Terrorist financing continues to be a major challenge and needs to be more effectively curtailed.
- Counter-radicalisation programmes and counter-messaging are given great emphasis in affected Asian and African countries, but appear to be less so in the European countries that are the source of large numbers of foreign terrorist fighters. This deficiency could be remedied.

32. Capacity building is critical to many of the recommendations above. Countries that are better equipped in relevant areas could help build capacity through sharing of more resources and expertise including training. Cross-border initiatives must be underpinned by intense national efforts to address the domestic factors that contribute to the terrorist and IS threat.

AGENDA ITEM 7: Session 5 – Reports by Breakout Groups

33. The Meeting took note of the briefings by the facilitators on the outcomes of their respective Breakout Groups and offered additional comments to the briefings.

34. The Meeting noted the objection of the EEP of the Republic of Korea on the title of Breakout Group 2 on the Korean Peninsula which was considered to be too narrow in scope.

AGENDA ITEM 8: Session 6 – Recommendations of the 10th ARF EEP Meeting

Recommendations of the 10th ARF EEP Meeting

35. The Meeting deliberated on the recommendations of the 10th ARF EEPs Meeting based on the discussions of the Meeting. Some EEPs were of the view that some of the recommendations should be put forward as decisions instead as a reflection of the EEPs' consensus to implement the recommendations.

Other Matters

36. There were no discussions under this agenda item.

AGENDA ITEM 9: Concluding Session

Co-Chairs' Summary Report

37. The Co-Chairs provided a summary of the discussions during the Meeting and informed participants that the draft Co-Chairs' Summary Report would be circulated to all ARF participants and the EEPs in due course.

Dates and Venue of the 11th ARF EEPs Meeting

38. The Co-Chairs informed the Meeting that the 11th ARF EEPs Meeting will be convened in Australia in March 2017 and encouraged ASEAN Member States to take up the co-chairmanship of next ARF EEPs Meeting with Australia.

Co-Chairs' Closing Remarks

39. The Co-Chairs thanked all participants for the candid observations and active participation in the discussions, and the Meeting expressed appreciation to the Co-Chairs for their excellent and effective co-chairmanship. The Meeting also thanked the Government of Singapore for the warm hospitality and excellent arrangements extended to all participants.

KEY DECISIONS

40. The following are the key decisions of the 10th ARF EEPs Meeting:
- a. Establish a working group to conduct a study on lessons learnt and best practices concerning incidents at sea based on the Terms of Reference of said study, prepared by Australia, as recommended by the 9th ARF EEPs Meeting in Helsinki.
 - b. Continue the practice of convening an informal working group meeting attended by EEPs only ahead of the main ARF EEPs Meeting.

- c. To recommend to the ARF to consider the suggestions made by the three break-out groups on (i) Maritime Security in East Asia Cooperation; (ii) Korean Peninsula: Modalities and Procedures for the Resumption of Security Discussions and Negotiations; and (iii) Cross-border Cooperation to Manage IS Threat.
- d. Update the Register of ARF EEPs (concise CVs not exceeding 500 words).
- e. To propose to the ARF to consider following up on the recommendations of the ARF ISG on CBMs and PD, including the nomination of EEPs as preventive diplomacy focal points.
- f. Continue the practice of submitting EEPs recommendations through the ARF ISG on CBMs and PD and the ARF SOM and thereafter to the ARF Ministers.

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