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## CONFLICT MANAGEMENT IN THE ASIA PACIFIC REGION

### Report of the ASEAN Regional Forum Experts and Eminent Persons Working Group on Confidence Building Measures, Preventive Diplomacy and Conflict Resolution in the Asia Pacific Region

#### Executive Summary

1. The Report notes that the ASEAN Regional Forum (ARF) has contributed much to regional security engagement since its establishment in 1994. It has brought together 27 countries and participants from Asia, Australasia, North America and Europe that have sometimes conflicting strategic and political interests, to collaborate on a common platform for dialogue and consultation.
2. Engagement for mutual benefit has occurred in several important areas. But the ARF has not been able to make much headway in the core task assigned to it, which is to resolve conflicts by gradually progressing from the confidence building (CBM) stage to preventive diplomacy (PD) and finally to conflict resolution (CR). Despite much effort the ARF has not been able to proceed beyond the first stage. The Report suggests some reasons for this. Similarly, the ARF has been able to accept very few of the recommendations of the Experts and Eminent Persons (EEP) on preventive diplomacy.
3. The countries of the ARF have instead sought to resolve both inter-state as well as internal conflicts outside the framework of the ARF. There are many instances of this, and the Report highlights a number of them with case studies as well as brief summaries of other notable instances. Indeed, the region has considerable experience in conflict management, but it has all been essentially outside the ARF.
4. The Working Group proposes two options for the ARF to consider. Option One is to continue pursuing the conflict resolution (CBM/PD/CR) agenda but with redoubled efforts to implement some of the recommendations that have already been submitted but that have not been implemented. If continued difficulties are expected in moving forward on the PD/CR agenda, Option Two is for the ARF to consider shifting from emphasis on a *preventive diplomacy/conflict resolution* agenda to emphasis on an inclusive *security cooperation* agenda. The shift is to be portrayed as an advancement of the mission of the ARF after 25 years of constructive engagement. The shift will be seamless for the ARF because it has already been engaged in areas of security cooperation though undertaken from the perspective of CBM/PD/CR. The shift will entail a small but significant and positive amendment to the stated mission of the ARF.
5. The Thirteenth Meeting of the ASEAN Regional Forum Experts and Eminent Persons Meeting is accordingly invited to endorse the following recommendations for the consideration of the 26<sup>th</sup> ASEAN Regional Forum:

- 5.1 Consider and adopt one of the following two options:
  - 5.1.1 Option One. Redouble efforts of the ARF to move down the path toward PD/CR. It should begin with a serious review of the recommendations provided by the 2008 PD Study, the EEPG, and CSCAP and develop a timeline for near-, mid-, and long-term steps to accomplish this goal. The steps could include: the development of an early warning capability, better utilization of the EEPs and a clearer definition of their role, closer coordination between the EEPG and ASEAN-IPR.
  - 5.1.2 Option Two. Expand the present objectives of the ARF beyond confidence building measures, preventive diplomacy, and conflict resolution (CBM/PD/CR) to embrace comprehensive security cooperation. This will involve advancing the mission of the ARF, on the occasion of its 25<sup>th</sup> Anniversary, from “a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security” and embrace *cooperation in the diverse fields of comprehensive security*”.
- 5.2 If Option Two is chosen, recognise conflict resolution (PD/CR) as primarily the work of the countries of the region, as is the practice at present. The ARF however will continue to monitor developments in the field and provide all support and encouragement, as well as explore specific PD initiatives such as election monitoring on the invitation of the state concerned and peacekeeping, as activities within the ambit of security cooperation.
- 5.3 Understand preventive diplomacy as being applicable to both inter-state as well as intra-state security conflicts and disputes. Third party assistance to address internal conflicts will only be at the invitation of the state concerned.
- 5.4 Further examination of the role of EEPs appears warranted. Among the proposed options to be considered are the following:
  - (i) Expand the mission and work of the EEPs from PD to security cooperation and convene as at present annually.
  - (ii) Convene the EEPs only as when deemed necessary.
  - (iii) Dissolve the EEP process and rely instead on other bodies such as CSCAP, NADI, ASEAN ISIS and ASEAN-IPR for research support.
- 5.5 Enhance the EEPs’ focus, relevance and effectiveness by sustaining the practice of organising Virtual Working Groups fully accountable to the EEPs between annual meetings and promote closer dialogues between the EEPs and institutions such as CSCAP, NADI, ASEAN ISIS and ASEAN-IPR.

## **CONFLICT MANAGEMENT IN THE ASIA PACIFIC REGION**

### **Report of the ASEAN Regional Forum Experts and Eminent Persons Working Group on Confidence-Building Measures, Preventive Diplomacy and Conflict Resolution in the Asia Pacific Region (ARF EEP WG on PD)**

#### **Establishment, composition and terms of reference of the Working Group**

1. The ARF EEP WG on PD was established pursuant to the decision of the ASEAN Regional Forum at its 25<sup>th</sup> Meeting in Singapore on 4 August 2018 to “note” the recommendation of the Experts and Eminent Persons Group at its 12<sup>th</sup> Meeting in Hanoi, Vietnam on 7 March 2018.
2. The members of the Working Group are listed in Appendix A. The Appendix also lists the names of the Drafting Team which was formed from among the Working Group members.
3. The terms of reference of the Working Group were as follows:
  - 3.1 To review and compile the significant confidence-building measures (CBM), preventive diplomacy (PD) and conflict resolution (CR) measures that countries in the ARF have embarked upon outside the framework of the ARF; and
  - 3.2 To consider how the ARF, which is committed to the 3-stage approach towards playing a conflict management role, can benefit from and leverage upon the activities and experience of its Participants.
4. The Working Group decided to limit the review to conflict management efforts that were in force since 2000 in the geographical footprint of the ARF, namely Northeast Asia, Southeast Asia and Oceania.
5. The review was to begin with a brief assessment of the progress made by the ARF in implementing CBM, PD and CR measures to-date, in order to put into perspective the measures taken by the countries outside the framework of the ARF.

#### **Progress made by the ARF in implementing CBM, PD and CR measures**

6. Established in 1994, the ARF is a quarter century old this year. It is an ambitious project in regional security cooperation that brings together 27 countries to engage in constructive dialogue and consultation on political and security matters and contribute towards “confidence building and preventive diplomacy in the Asia Pacific region”. The ARF Concept Paper adopted in July 1995 outlines three key challenges for the ARF: carefully manage the significant shifts in power relations that accompany rapid

economic growth; forge a consensual approach to security issues; and defuse potential problems and conflicts that could arise from the residue of unresolved territorial and other differences that exist in the region.

7. The Concept Paper further prescribed a “gradual evolutionary approach” to manage these challenges: promote confidence building measures in the first stage; develop preventive diplomacy mechanisms in the second stage; and construct conflict resolution mechanisms in the third stage. The third stage was later renamed “elaboration of approaches to conflicts”.

8. The ARF developed several supporting processes to help it fulfil its mission. They consist of the Inter-Sessional Support Meetings (ISMs) and the Inter-Sessional Support Group (ISG) on CBMs and PD. The existing ISMs are working on Maritime Security; Humanitarian Assistance and Disaster Relief; Counterterrorism and Transnational Crime; Nonproliferation and Disarmament; and Security of Information and Communications Technology. The ARF also established a Track 1.5 mechanism called the Experts and Eminent Persons (EEP) that first met in 2007.

9. The ARF and its supporting bodies have a busy calendar of activities every year that focus on a wide variety of security areas as reflected above. The numerous conferences, workshops, seminars and training exercises that have been organised have contributed much towards promoting dialogue, enriching knowledge and expertise and building networks among officials and experts across countries.

10. In the area of CBM and PD the ARF produced the seminal “The Concept and Principles of Preventive Diplomacy” in 2001. The document outlined how PD is defined and understood by the ARF and spelled out the key principles that guide its application in the ARF area. The document drew on important contribution from the Council for Security Cooperation in the Asia Pacific (CSCAP) in particular, besides its own ISG and ISMs.

11. The ARF also produced the Preventive Diplomacy Work Plan in 2011. The Work Plan includes a proposal to, “on the basis of consensus, identify and develop optional and voluntary preventive diplomacy mechanisms that could be utilised by ARF participants. These could include...good offices role consistent with the Hanoi Plan of Action...; consider expanding the functions of the ARF EEPs; fact-finding and observer missions...” The Work Plan also calls for “Over time, with the consent of all directly involved parties, explore and consider the potential for: mediation/facilitated dialogue; conciliation.”

12. The Work Plan drew, among others, from a study commissioned to the Pacific Forum and the Rajaratnam School of International Studies (RSIS) entitled “Study of Best Practices and Lessons Learnt by Selected International and Regional

Organisations in Preventive Diplomacy”. The Work Plan also drew from a paper submitted by the EEPs at the request of the ARF. It was entitled “Draft Elements of a Work Plan on Preventive Diplomacy.”

13. The Work Plan is still work in progress as the ARF strives to find the necessary consensus among its participants to move ahead on the CBM, PD and CR agenda.

14. The third significant step taken by the ARF is through its EEPs, who in July, 2012 dispatched an ARF EEP Observer Team to join the international observer team monitoring Timor-Leste’s first democratic elections.

15. A more detailed study of the role and contribution of the ARF by Ralph Cossa is available in [Appendix B](#).

16. Paul Evans has done a study on the ARF EEP entitled “The Contributions of the ASEAN Regional Forum’s Experts and Eminent Persons Group (EEPG) in Advancing the Preventive Diplomacy Agenda,” It is attached in [Appendix C](#). The paper outlines findings and recommendations from EEP meetings since 2009, and assesses that progress has been “limited, incremental and almost always behind ideas generated by other processes or actual state practice”. “Very few” of the EEPs’ recommendations have been adopted by the ARF. It identifies its internal weaknesses as “diverse and ever-shifting membership, inconsistent level of commitment, experience and interest; little leadership from ASEAN participants from several countries”, and its strengths as “a strong core group, well connected, and experienced inside and outside government”.

17. Three options for the future of the EEP process are suggested: disband the EEPs; convene the EEPs on an ad hoc basis in the current “experts” form or as eminent persons (such as former heads of states) to address a particular issue or problem; or shift its focus from PD to deal with a specific security problem.

18. It is quite clear that the ARF’s many and concerted activities since its inception have successfully helped foster sustained and substantive security engagement among a large number of countries with markedly different political ideologies and strategic interests. The ARF participants straddle both sides of the northern hemisphere of the Pacific, Southeast Asia, Australasia, the Indian sub-continent and Europe. This in itself is an accomplishment that cannot be under-estimated. It is equally clear though, that as an institution the ARF’s contribution as well as capacity for concrete conflict management is still at an early stage.

## **CBM, PD and CR measures implemented by ARF countries outside the framework of the ARF**

19. As indicated above, all countries in the Asia Pacific region have been exposed to opportunities for sustained confidence building in the ARF. The countries that are also members of ASEAN, ADMM and ADMM Plus have had additional experience in confidence building in these forums. ASEAN in particular has been extremely useful, and has engaged in PD as well with China on the South China Sea issue. It has also recently established the ASEAN Institute for Peace and Reconciliation to conduct research and build capacity on conflict management and conflict resolution.

20. It is outside these forums, however, that many of the countries of the region have moved beyond CBM to PD and CR in any substantive manner. Progress has been more tangible among some countries and with respect to some security challenges than others.

21. In this regard, six case studies were made by Working Group members. They are illustrative of some of the initiatives that have been taken in the region, and are attached in Appendix D. They cover the following subjects:

21.1 The Aceh Peace Process (Peter Feith, for Gudrun Wacker)

21.2 Australia's Role in Confidence-Building Measures, Preventive Diplomacy and Conflict Resolution in the Asia Pacific. (Rory Medcalf)

21.3 Japan-China Efforts in Building Confidence for Safety in Sea and Air (Masashi Nishihara)

21.4 Malaysia's Contribution as Facilitator in the Peace Talks between the Government of the Philippines and the Moro Islamic Liberation Front (Mohamed Jawhar Hassan). A Comment from Masashi Nishihara is appended to the paper as well

21.5 Russia-China Border Settlement in 2004 (Ekaterina Koldunova)

21.6 The Peace Process in Myanmar (Wai Lwin Than)

22. In addition, Roberto Q. Estioko submitted "General Comments on Papers of Working Group Members". The submission is included as well in the Appendix.

23. As a supplement to the case studies Mohamed Jawhar Hassan has examined in summary form several other prominent instances where CBM, PD and CR have been applied in the region. These are in relation to the Korean Peninsula; the South China Sea disputes; the Ligitan and Sipadan dispute; the Sulawesi Sea dispute; the Pedra Branca/Batu Putih dispute and the Preah Vihear dispute. His paper is attached in Appendix E.

24. The following observations are pertinent from a review of the case studies as well as the other conflict management experiences mentioned above:

- 24.1 *The Asia Pacific region has plenty of experience in the use of preventive diplomacy.* If this Report were to cover the period before 2000 as well, for instance from the end of the Second World War or the end of colonial rule, there would be several more significant experiences to cite. ASEAN is a prime example. It embraces in close and common cause states large and small, transcends ideological differences that are still sharply divisive elsewhere, and brings together countries that have a history of conflict and still extant disputes.
- 24.2 *Preventive diplomacy was applied to internal conflicts as well and was not confined to inter-state disputes only as defined by the ARF.* The internal conflicts sampled above are those in Aceh; Southern Mindanao; Timor-Leste; Bougainville; and the Solomon Islands.
- 24.3 *Regional states are not averse to external third party mediation and facilitation in their internal conflicts although they strongly uphold the principle of non-interference.* The indispensable pre-condition for an external role is that it must be at the invitation of the state or parties concerned. The experiences in Aceh, Southern Philippines and the Pacific Islands attest to this.
- 24.4 *An external role in preventive diplomacy activities such as peacekeeping and peacebuilding is likely to be more acceptable and recognised as legitimate by the domestic constituency when it is identified with a credible international organisation such as the United Nations or a regional institution.*
- 24.5 *Sustained political will, genuine commitment to resolve differences through peaceful negotiations and willingness to recognise and address mutual concerns on the part of all parties to a conflict are essential ingredients of successful peaceful resolution of conflicts.* Political will may often have to be sustained over many years despite changes in administration or government because negotiated settlement can be a long process. Engaging in dialogue without any real desire to recognise and address the legitimate security concerns of others may suggest a lack of real interest in peaceful political settlement.
- 24.6 *A third party (including a regional institution) that is contemplating to play a mediating or facilitating role must be prepared to invest a substantial amount of time and resources to the effort.* More complex peacekeeping and peacebuilding missions, such as that in Timor-Leste,



will entail a multi-national effort under authorisation from the United Nations or a regional organisation.

- 24.7 *ARF countries that are seeking legal recourse for the resolution of their inter-state and maritime disputes have a credible and tested option in the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS).*

### **Lessons and implications for the role of the ARF**

25. The ARF is making a significant contribution to regional security engagement by bringing together nearly 30 countries with differing political ideologies, sometimes conflicting strategic interests and outstanding inter-state rivalries and conflicts on a common platform for cooperation. Far from being a mere talk-shop, engagement has yielded substantive knowledge-sharing, capacity-building and cooperation in such diverse fields as maritime security; disaster relief; nuclear non-proliferation and disarmament; counter-terrorism; transnational crime; drug trafficking; counter-piracy; international migration; peacekeeping; and ICT security and risk mitigation.

26. But it has to be acknowledged too that the ARF has not been able to make much headway beyond basic CBM in the last 25 years. The more tangible advances in CBM, PD and CR – and there have been quite a few – have all been made by the countries in the region outside the framework of the ARF.

27. Three factors in particular explain the ARF's difficulty of fulfilling its preventive diplomacy role:

27.1 Unlike the European Union whose members are largely like-minded and who share a common security culture and interests buttressed by the North Atlantic Treaty Organisation (NATO), several countries in the ARF see each other as rivals and adversaries. Their competition and rivalry has in fact increased in the last two decades. Sometimes they aggravate the security problems in the Asia Pacific region rather than alleviate them.

27.2 Many participants of the ARF are reluctant to "internationalise" the issues they are involved in by inviting a large body like the ARF into helping manage their problems. In any case "sub-regional" bodies like ASEAN and the Pacific Islands Forum (PIF) are more directly responsible for peace and security in their respective domains.

27.3 When states do feel moved to proceed beyond bilateral negotiations to seek third party assistance for inter-state and maritime disputes they believe they have credible, professional and trusted options in institutions such as the ICJ, ITLOS and the Permanent Court of

Arbitration (PAC). Countries that experience protracted internal conflict can have recourse to experienced non-government mediation and conciliation bodies such as PACTA Finland and the Henry Dunant Centre for Humanitarian Dialogue. They also have the option of seeking the help of countries that enjoy the trust of the other parties to the dispute as well.

28. That the ARF has not been able to progress sufficiently in the field of conflict management should be cause for concern. At the same time it has to be recognised that no other regional security cooperation enterprise of the same genre has been entrusted with such an explicitly structured and detailed CBM/PD/CR agenda as the ARF's in its Concept Paper. Even ASEAN, the "driver" of the ARF, does not have such an explicit conflict resolution agenda. Indeed, the ARF is only a "forum", not even an association with a charter and a legal personality like ASEAN, and it is led by foreign ministers, not heads of state or government.

29. Nevertheless, after its 25 years' of existence, ARF participants may wish to review the expectations placed upon the Forum. It has two broad options. *Option One* is to redouble its efforts to move seriously in the direction of PD/CR. If the ARF elects to redouble its PD efforts, a good place to begin would be with the timeline recommendations outlined in the 2008 PD Study (included as Annex A in Appendix B. Appendix B also provides a long list of actions that the ARF could take to more fully embrace the PD mission, including: the development of an early warning capability, better utilization of the EEPs and a clearer definition of their role, closer coordination between the EEPG and ASEAN-IPR.

30. *Option Two*, is to loosen itself from pursuing a phased CBM/PD/CR agenda that it has found difficulty implementing in the last quarter century and move towards cooperating on a broader field of comprehensive security. This could be done by *expanding the present objectives of the ARF beyond confidence building measures, preventive diplomacy, and conflict resolution (CBM/PD/CR) to embrace comprehensive security cooperation*. The expansion can be projected positively as an advancement or progression of the mission of the ARF after 25 years of constructive engagement.

31. This will require fine-tuning the stated mission of the ARF. At present, the stated goal of the ARF based on its Concept Paper (as contained in the Chairman's Statement of the Second ASEAN Regional Forum Ministerial Meeting on 1 August 1995) is to serve as "a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security." The "method and approach" is to "be evolutionary, taking place in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of

approaches to conflicts". (Chairman's Statement of the Second ARF Ministerial Meeting on 1 August 1995). The Concept Paper that was adopted by the ARF describes it thus:

"Stage I: Promotion of Confidence-Building Measures  
Stage II: Development of Preventive Diplomacy Mechanisms  
Stage III: Development of Conflict-Resolution Mechanisms"

32. The ARF's stated purpose could instead be expressed, with minimum amendment, as "to be a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security, *and to promote cooperation in the diverse fields of comprehensive security*". In this regard, it is to be noted that the ARF recognised "the concept of comprehensive security" at the Second Ministerial Meeting.

33. It may be noted that all of the existing activities of the ARF and its supporting bodies are in fact already more appropriately viewed as *security cooperation* activities rather than *CBM/PD/CR* activities. The activities can therefore continue unaffected. They include work on maritime security; disaster relief; nuclear non-proliferation and disarmament; counter-terrorism; transnational crime; drug trafficking; counter-piracy; international migration; peacekeeping; and ICT security and risk mitigation. The existing ISMs addressing these challenges could also examine and identify issues that lend themselves to outside mediation from the ARF or others where relevant and implementable.

34. The "method and approach" that describes the three stages of conflict resolution in the ARF Chairman's Statement can likewise remain. But it will no longer be emphasised in practise in the work of the ARF. And importantly, the performance and delivery of the ARF will no longer be measured and judged against its progression along the confidence building – preventive diplomacy – conflict resolution curve, where it has underperformed severely. Any *CBM/PD/CR* dividends that derive from the security cooperation agenda will be welcomed but they will be incidental, albeit an important incidental, to the pursuit of security cooperation.

35. Conflict resolution can henceforth be left essentially to the countries of the ARF to pursue, as is the prevailing practice. The ARF however will closely monitor developments in the field and give all support and encouragement, besides exploring specific PD initiatives itself.

36. *CBM/PD* can remain be in the sights of the ARF and specific initiatives such as election monitoring and peacekeeping taken, but they will be considered as within the ambit of security cooperation.

37. The ARF may wish to understand preventive diplomacy as PD measures that can be applied to address both inter-state as well as internal conflicts. This is already the experience in the region. It is to be noted that no PD activity can be conducted by an external party in another state without the latter's express invitation and consent.

38. There are three options for the EEP process. The first option is to align its mission to harmonise with that of the ARF. It works on security areas that benefits all ARF participants and promotes cooperation among them. The second option is to convene the EEPs only as and when deemed necessary, to assist the ARF when a need arises. The third option is to dissolve the EEP process and rely instead on contributions from CSCAP when required.

### **Recommendations**

39. The Thirteenth Meeting of the ASEAN Regional Forum Experts and Eminent Persons is invited to take note of the Report and endorse the following recommendations for the consideration of the 26<sup>th</sup> ASEAN Regional Forum:

39.1 Consider and adopt one of two options:

39.1.1 Option One. Redouble efforts of the ARF to move down the path toward PD/CR. It should begin with a serious review of the recommendations provided by the 2008 PD Study, the EEPG, and CSCAP and develop a timeline for near-, mid-, and long-term steps to accomplish this goal. The steps could include: the development of an early warning capability, better utilization of the EEPs and a clearer definition of their role, closer coordination between the EEPG and ASEAN-IPR.

39.1.2 Option Two. Expand the present objectives of the ARF beyond confidence building measures, preventive diplomacy, and conflict resolution (CBM/PD/CR) to embrace comprehensive security cooperation. This will involve advancing the mission of the ARF, on the occasion of its 25<sup>th</sup> Anniversary, from "a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security" and embrace *cooperation in the diverse fields of comprehensive security*.

39.2 If Option Two is chosen, recognise conflict resolution (PD/CR) as primarily the work of the countries of the region, as is the practice at present. The ARF however will continue to monitor developments in the field and provide all support and encouragement, as well as explore specific PD initiatives such as election monitoring on the invitation of the state concerned and peacekeeping, as activities within the ambit of security cooperation.

- 39.3 Understand preventive diplomacy as being applicable to both inter-state as well as intra-state security conflicts and disputes. Third party assistance to address internal conflicts will only be at the invitation of the state concerned, taking into consideration the principles of consensus and non-interference.
- 39.4 Further examination of the role of EEPs appears warranted. Among the proposed options to be considered are the following:
- (i) Expand the mission and work of the EEPs from PD to security cooperation and convene as at present annually.
  - (ii) Convene the EEPs only as when deemed necessary.
  - (iii) Dissolve the EEP process and rely instead on other bodies such as CSCAP, NADI, ASEAN ISIS and ASEAN-IPR for research support.
- 39.5 Enhance the EEPs' focus, relevance and effectiveness by sustaining the practice of organising Virtual Working Groups fully accountable to the EEPs between annual meetings and promote closer dialogues between the EEPs and institutions such as CSCAP, NADI, ASEAN ISIS and ASEAN-IPR.