

THE EIGHTH  
ASEAN REGIONAL FORUM

HA NOI, VIET NAM, 25 JULY 2001



# CHAIRMAN'S STATEMENT

## THE EIGHTH ASEAN REGIONAL FORUM

HA NOI, VIET NAM, 25 JULY 2001

1. The Eighth Meeting of the ASEAN Regional Forum (ARF) was held in Ha Noi, Capital of the Socialist Republic of Vietnam, on 25 July 2001. The Meeting was chaired by H.E. Mr. Nguyen Dy Nien, Minister for Foreign Affairs of the Socialist Republic of Viet Nam.
2. The Meeting was attended by the Foreign Ministers of all ARF participating countries or their representatives. The Secretary-General of ASEAN was also present. The list of Delegates appears as ANNEX A.

### Overview of the ARF Process

3. The Ministers recognized that during the last inter-sessional year, the ARF process continued to make progress and play an important role in maintaining peace and stability in the region, particularly in enhancing and promoting dialogue and co-operation on political and security issues in the Asia-Pacific region. Over the past year, exchanges of views on regional and international issues have become even more candid and inclusive, in view of the full participation of all countries in the ARF's geographical footprint. In this context, the Ministers noted with satisfaction that the ARF was the key forum for participating countries to address actively and constructively key political and security issues, including newly emerged issues as a result of globalization that have a bearing on regional peace and stability.
4. The Ministers acknowledge the contributions of the ARF to the regional peace and stability and emphasized that confidence-building is of essential importance to and remains the foundation and main thrust of the whole ARF process. They agreed that this process be further strengthened and more confidence building measures be encouraged. The Ministers appreciated the progress in strengthening the four measures in the overlap between CBM and Preventive Diplomacy (PD) which would contribute to the enhancement of the effectiveness of the ARF process.
5. The Ministers reaffirmed that the ARF will continue to develop at a pace comfortable to all ARF participants and emphasized the importance of ARF making decision by consensus and on the basis of non-interference into one another's internal affairs.

The Ministers noted with satisfaction that the Association of Southeast Asian Nations (ASEAN) continued to play its leading role in the ARF and expressed their support for this continued role in the ARF process. At the same time, the Ministers noted that each ARF participant had contributed more actively to advancing the ARF process.

6. In recalling the decision of the Sixth ARF in July 1999 on the overlap between CBMs and PD and that of the Seventh ARF in July 2000 on the enhanced role of the ARF Chair, the Ministers expressed their appreciation to Viet Nam who, as the ARF Chair, had continued and expanded informal contacts with other international and regional organizations, particularly with the United Nations, the Organisation of American States (OAS) and the Non-Aligned Movement. They agreed that such contacts were fruitful in promoting exchange of information and sharing of experience between ARF and these organizations and that these links should be further expanded in the future.
7. The Ministers acknowledged with satisfaction that the ARF Chair had been successful in serving as a conduit for information sharing in between ARF meetings, particularly between participants who had no bilateral diplomatic contacts, thus enabling the ARF participants to exchange information relevant to the ARF in a timely manner and on a voluntary basis. In this regard, the Ministers agreed to adopt the Paper on the Enhanced Role of ARF Chair which appears in ANNEX B and also expressed their appreciation for the excellent work done by Japan in preparing and finalizing this Paper.
8. The Ministers welcomed further progress on the ARF Register of Experts/Eminent Persons to be available for use by ARF participants on the voluntary basis. The Ministers agreed to adopt the Paper on the Terms of Reference for ARF Experts/Eminent Persons which appears in ANNEX C. In this regard, they commended the excellent work done by the ISG on CBMs, particularly by the Co-Chairs of ISG-CBMs, i.e. Malaysia and the Republic of Korea, in finalizing the Terms of Reference for the ARF Experts/Eminent Persons. The Ministers also encouraged the ARF participants to nominate their experts/ eminent persons for the Register on a voluntary basis with the ARF Chair serving as a focal point.
9. The Ministers expressed their appreciation to Singapore for its valuable contribution in preparing the Paper on the Concept and Principles of PD and to all ARF participants for their inputs to the Paper. The Ministers expressed their satisfaction with the progress in the discussion on the PD Paper in the ARF and commended the work in this regard by ISG-CBMs. The Ministers agreed to adopt the PD Paper as a snapshot of the state on current discussion on PD in the ARF and that the ISG would continue to discuss PD in the next inter-sessional year and focus on those issues where there remain divergence of views. The paper on the Concept and Principles of PD appears in ANNEX D. Noting

with satisfaction the remarkable progress in the discussion and eventual adoption of the above-mentioned papers, the Ministers recognized that these developments represent a significant step forward in the ARF process in the last inter-sessional year.

10. The Ministers commended ARF participants for their contributions to the Annual Security Outlook (ASO) on a voluntary basis and welcomed the second volume of the ARF ASO compiled without editing by the ARF Chair. Noting that the ASO could contribute to the promotion of mutual trust and understanding as well as facilitating the exchange of views among ARF participants, the Ministers agreed that the current and future ASOs would not be treated as confidential. The Ministers encouraged ARF participants to submit ASO in the coming year.
11. Noting the importance of the participants of defense and military officials in the ARF process, the Ministers welcomed the contribution of greater and active interaction among defense and military officials towards the promotion of mutual understanding. In this regard, the Ministers agreed to endorse the recommendation by the ARF SOM that Defense Officials Luncheon be included as a regular feature of the ISG.

#### Highlights of Issues Discussed

12. The Ministers had in-depth and extensive discussions on the political and security situation in the Asia-Pacific since the Seventh ARF in July 2000, particularly on the major developments that affect the regional security environment. Conducted in the ARF traditional open and candid atmosphere, the exchange of views among the Ministers was very substantive and focused, thus helping create better understanding of the security perceptions and concerns among ARF participants.
13. The Ministers shared the views that on the whole, the situation in the Asia-Pacific region remained relatively stable. The Ministers noted that despite certain challenges and uncertainties, and differences in political and strategic perceptions, the region continues to enjoy peace and stability. The Ministers acknowledged the importance of peaceful and stable relations between major powers as key to regional peace and security, and believed that the major powers would continue their efforts to improve and develop their relations so as to contribute to the maintenance of peace and stability in the region.
14. The Ministers exchanged views on the accelerated globalization and were of the view that under the multi-faceted impacts of globalization as well as those of technologies, economic security is fast becoming a major concern of all nations, both developing and developed alike. They particularly noted with concern the widening gap between developed and developing countries. In this regards, the Ministers echoed the determination by

the world's Heads of State and Government expressed in the United Nation Millennium Declaration to “create an environment – at the national and global levels alike – which is conducive to development and to the elimination of poverty.”

15. The Ministers noted with satisfaction the recent positive development of overall situation on the Korean Peninsula, including increased dialogue and co-operation between the Democratic People's Republic of Korea (DPRK) and the Republic of Korea (ROK) following the North-South Summit on June 15, 2000 in Pyongyang. They further encouraged both the DPRK and the ROK to build on the success of the Summit to continue the peace process and emphasized the importance of holding the second Inter-Korean Summit with a view to establishing lasting peace on the Korean Peninsula. The Ministers also took note of the DPRK's position concerning the DPRK-US Agreed Framework of 1994. They welcomed continued efforts by the international community to contribute to the above endeavours, including the recent visit by H.E. Mr. Goran Persson, the President-in-Office of the European Council and Prime Minister of Sweden, to both the DPRK and the ROK. The Ministers were of the view that outstanding security and humanitarian issues would be addressed through increased dialogues. The Ministers appreciated the active participation by the DPRK in ARF activities in the last year and considered this a contribution towards strengthening the ARF process and advancing the cause of regional peace and security.
16. The Ministers noted that the situation in Southeast Asia on the whole has been peaceful and stable. The Ministers exchanged views on the recent developments in the South China Sea and welcomed the progress in the consultations between ASEAN and China to develop a Code of Conduct in the South China Sea. The Ministers encouraged the continued exercise of self-restraint by all countries concerned and the promotion of confidence-building measures in this area, and welcomed the commitment of countries concerned to resolve disputes by peaceful means in accordance with the recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS), as well as to ensure the freedom of navigation in the area.
17. The Ministers noted that the 4th ASEAN Informal Summit (AIS) held in Singapore in November 2000 was one of the most significant events that had taken place in the region since the ARF 7. At the Summit, the ASEAN leaders agreed on the need to address ASEAN's cohesion as that would be an important factor for stability in the region. They also agreed to push forward proposals that would enable closer integration and help reduce development gap within ASEAN. Another key outcome of the Summit was the decision by the ASEAN and the leaders of China, Japan and the Republic of Korea to start moving towards closer East Asia co-operation. The Ministers shared the views by the ASEAN+3 leaders that a gradual approach towards closer East Asian Co-operation

would contribute to the peace, stability and prosperity of the region. In this regard, the Ministers welcomed the creation of the East Asia Study Group (EASG) in March 2001 to promote East Asia co-operation.

18. The Ministers recognized the purposes and the principles contained in the Treaty of Amity and Co-operation in Southeast Asia (TAC) as a basis for the promotion of co-operation, amity and friendship within Southeast Asia and between ASEAN and ASEAN's Dialogue Partners and other ARF participants. The Ministers welcomed the adoption of the Rules of Procedure of the High Council of TAC by the ASEAN member countries at the 34th AMM in July 2001 in Ha Noi. They noted the consideration by non-Southeast Asian countries to accede to the TAC.
19. The Ministers welcomed the progress regarding the implementation of the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) as a contribution to global efforts to curb the proliferation of nuclear weapons. The Ministers noted with satisfaction the continued progress made in the consultation between the State Parties to the SEANWFZ Treaty and the Nuclear Weapon States regarding the latter's accession to the Protocol to the Treaty. In this regard, the Ministers welcomed the progress made at the recent Direct Dialogue between the State Parties and the Nuclear Weapon States held in Ha Noi, May 2001. The Ministers welcomed the P5 Joint Statement concerning security assurances for Mongolia and support the Nuclear-Weapon Free Status of Mongolia.
20. The Ministers welcomed the election of President Megawati Soekarnoputri in Indonesia which had been conducted in a democratic, constitutional and peaceful manner. The Ministers expressed the hope that this orderly and peaceful transition would lead to political stability and accelerated economic recovery in Indonesia. They reiterated support for the territorial integrity and political unity of Indonesia. The Ministers believed that the stability and prosperity of Indonesia would contribute positively to the peace, stability and prosperity of the region.
21. The Ministers noted the co-operation between East Timor and the United Nations Transitional Administration in East Timor (UNTAET) and reiterated the need for the support of international community including ASEAN to play an active role in the nation building efforts of East Timor up to and beyond the territory's independence. They supported the efforts to resolve the problem of East Timorese refugees in East Nusa Tenggara province in a comprehensive manner in order to ensure peace and harmony of all Timorese. They welcomed the plan to hold election for the Constituent Assembly on 30 August 2001.
22. The Ministers welcomed the encouraging developments in Myanmar, the process of national reconciliation in particular. The Ministers expressed appreciation for the

efforts in this regard by the Government of the Union of Myanmar, as well as those of ASEAN, the UN Special Rapporteur for Human Rights in Myanmar, the Special Envoy of the United Nations Secretary-General.

23. The Ministers noted the situation in Fiji and Solomon Islands, welcomed positive developments towards a resolution of the Bougainville conflict and expressed the hope for positive outcome of the Fijian elections to be held in August 2001 and the efforts of the International Peace Monitoring Team in Solomon Islands.
24. The Ministers discussed issues relating to proliferation of weapons of mass destruction and their means of delivery as well the implications of missile defense systems. They noted expressions of support for the Nuclear Non-Proliferation Treaty (NPT) as the cornerstone of the global non-proliferation regime. The Ministers also took note the call for all states to sign and ratify the Comprehensive Test Ban Treaty (CTBT) and to accede to the NPT. The Ministers urged all states to maintain existing moratoria on nuclear testing. They also took note of the call made in the NPT Review Conference Final Document on the Conference on Disarmament to agree on a programme of work which includes the immediate commencement of negotiations on the Fissile Material Cut-Off Treaty. The Ministers further emphasized the importance of systematic and progressive efforts by Nuclear Weapon States on nuclear disarmament and called on all states to work towards the objective of total elimination of nuclear weapons.
25. The Ministers expressed their hope that the Protocol strengthening the Biological and Toxin Weapons Convention (BTWC) would be finalized before the 5th BTWC Review Conference and urged all countries to speedily conclude their negotiations on the said Protocol.
26. The Ministers recognized that the transnational crimes could not only have potentially serious impacts on regional peace and stability, but also pose a threat to the national economic development and social well-being of all states. In this regard, they noted the serious implications of drug production and trafficking and underscored the need to address this critical issue and other transnational crimes such as piracy, illegal migration, illicit trafficking of small arms, money laundering, terrorism, and cyber crime. The Ministers underlined the importance of greater bilateral, regional and international co-operative efforts in this regard.
27. The Ministers welcomed the Convention Against Transnational Organized Crime and its Protocols and encouraged ARF participating countries to sign and ratify them soon. The Ministers expressed their supports for results of the UN Conference on the Illicit Trade in Small Arms and Light Weapons (SALW) in all its aspects which was held in New York from 9 to 20 July 2001 and believed ARF participants would promote the regional

co-operation pursuant to the UN Programme of Action on SALW. In this context, the Ministers noted the Australian proposal for an ARF Declaration on small arms.

Report of Track I and II Activities for the Current Inter-sessional Year (July 2000-July 2001)

#### Track I

28. The Ministers noted with satisfaction the successful implementation of Track I and II activities during 2000-2001 inter-sessional year. They noted in particular the Co-Chairmen's Summary Report of the Meetings of the ARF Inter-sessional Support Group on Confidence-Building Measures (ISG on CBMs), co-chaired by the Republic of Korea and Malaysia, held in Seoul, the Republic of Korea 1-3 November 2000 and in Kuala Lumpur, Malaysia 18-20 April 2001 (ANNEX E). The Ministers commended the work of the ISG on CBMs in contributing the advancement of the ARF process and endorsed the recommendation contained in the above mentioned report.
29. The Ministers also noted that the following Track I activities took place under the auspices of the ISG on CBMs:
  - 29.1. Combined Humanitarian Assistance Response Training (CHART) in Singapore in August 2000;
  - 29.2. Fourth Meeting of Heads of Defense College, Universities and Institutions in China in September 2000;
  - 29.3. Seminar on Defense Conversion Co-operation in Beijing in September 2000 as well as the establishment of the ARF Regional Maritime Information Center (ARF-RMIC);
  - 29.4. Seminar on Approaches to Confidence Building in Helsinki in October 2000;
  - 29.5. Workshop on Anti-Piracy in Mumbai in October 2000;
  - 29.6. ARF CBMs Seminar on Conventional Weapons in Phnom Penh in February 2001;
  - 29.7. Seminar on Civil Military Co-operation in Peacekeeping Operations in Seoul in May 2001; and
  - 29.8. Workshop on Environmentally Sound Management of Shipboard Generated Waste in Washington in June 2001.

30. The Ministers endorsed the following proposals on the implementation of CBM activities as Basket I CBMs in the next inter-sessional year:
  - 30.1. Japan's proposal to host the 5th ARF Meeting of the Heads of Defense Colleges/Institutions in late August to early September 2001;
  - 30.2. Thailand's proposal to host the 2nd Seminar on the Law of Armed Conflict: "The Relevance of the Law of Armed Conflict to Peacekeeping" in Bangkok on 7-10 August 2001;
  - 30.3. US and Brunei's proposal to host a workshop for Mid-level ARF Civilian and Defense Officials on Preventive Diplomacy in September 2001;
  - 30.4. Vietnam's proposal to host a Seminar on Economic Security for Asia Pacific in the First Decades of 21st Century on 26-28 February 2002;
  - 30.5. Russia's proposal to host the 6th ARF Meeting of the Heads of Defense Colleges/Institution in 2002; and
  - 30.6. Canada's proposal for an ARF Peacekeeping Seminar to be co-sponsored with India and Malaysia in March 2002.

## Track II

31. The Ministers took note of the CSCAP Maritime Co-operation Working Group Meetings in the Philippines, China and Malaysia in 2000-2001 inter-sessional year and the CSCAP's draft Memorandum on a Common Understanding of the Law of the Sea in the Asia-Pacific; the 8th Meeting of CSCAP Working Group on Transnational Crime and the 9th Meeting of CSCAP Working Group on Comprehensive and Co-operative Security. The Ministers also noted that informal contacts between ARF Chair and Track II fora could provide important inputs for discussions at Track I level.
32. The Ministers welcomed efforts made by ASEAN and Russia relating to Pacific Concord and encouraged them to continue their consultations.

## Programme of Work for the Next Inter-sessional Year (July 2001-July 2002)

33. The Ministers agreed that the ISG on CBMs continue their work and welcomed the offers by Viet Nam and the Republic of India to co-chair the ISG on CBMs in the next inter-sessional year.

34. While noting that the Expert Groups Meetings on transnational crime (EGMs) in the inter-sessional year 2000-2001 had generally been useful in helping the ARF to address transnational crimes, the Ministers endorsed the recommendation of the ARF SOM and ISG on CBMs that those transnational crimes could be discussed in alternative formats such as ad hoc workshops, seminars or symposia.

#### Future Direction of the ARF Process

35. The Ministers reaffirmed their commitment to further develop the ARF as an effective forum for dialogue and co-operation on political and security issues in the Asia-Pacific region. While reiterating that the ARF continue to follow an evolutionary approach in its development from Promotion of Confidence-Building Measures to Development of Preventive Diplomacy (PD) to elaboration of approaches to conflict, the Ministers agreed that the ARF continues to move at a pace comfortable to all ARF participants and on the basis of consensus. They expressed their continued support for ASEAN's role as the driving force in the ARF process.
36. The Ministers emphasized the importance of confidence-building as the foundation and the primary focus of the whole ARF process. The Ministers also agreed that while moving towards PD, the ARF should continue to strengthen its confidence-building process so as to substantially enhance mutual trust, confidence and understanding as well as co-operation among the ARF participants. They concurred that these efforts would lay a firm ground for peace and stability in the Asia-Pacific as well as for the next stages of the ARF. The Ministers noted with satisfaction the progress made in the discussion on the concept and principles of PD within the ARF's context based on the Paper on ARF Concept and Principles of Preventive Diplomacy. In this regard, the Ministers requested the ISG on CBMs to intensify its efforts in discussing PD, focusing on those areas where there remained divergence of views and submit recommendation to ARF SOM and ARF Ministers at their next meetings.
37. The Ministers noted with satisfaction the progress in exploring the overlap between CBMs and PD and strengthening of the four CBM/PD overlap proposals already agreed upon, namely the adoption of the paper on an enhanced role of the ARF Chair and the paper on the ARF Register of Experts/Eminent Persons, the Annual Security Outlook, and voluntary background briefing on regional security issues. The Ministers agreed that the ARF continues its work on these measures as well as on further exploring the overlap between CBMs and PD.

# CO-CHAIRMEN'S SUMMARY REPORT OF THE MEETINGS OF THE ARF INTER-SESSIONAL SUPPORT GROUP ON CONFIDENCE BUILDING MEASURES

SEOUL, REPUBLIC OF KOREA, 1-3 NOVEMBER 2000

KUALA LUMPUR, MALAYSIA, 18-20 APRIL 2001

## Introduction

1. Pursuant to the decision of the 7th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Bangkok on 27 July 2000, the Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs), co-chaired by the Republic of Korea and Malaysia, held two inter-sessional meetings during the 2000/2001 inter-sessional year, the first in Seoul on 1-3 November 2000, and the second in Kuala Lumpur on 18-20 April 2001.
2. The first Meeting of the ISG on CBMs in Seoul was attended by representatives of all ARF member countries with the exception of the Democratic People's Republic of Korea (DPRK). At the second ISG on CBMs in Kuala Lumpur, representatives from all ARF member countries attended. The DPRK participated for the first time since its admission as a member of the ARF in Bangkok in July 2000. The DPRK's participation was warmly welcomed. In line with the decision of the 7th ARF to encourage continued participation of defense and military officials in all relevant activities, many of the delegations included defense officials. The Programmes of Activities of the Seoul and Kuala Lumpur ISG meetings are attached at ANNEXES A and B, the Annotated Agendas as ANNEXES C and D and the lists of delegations as ANNEXES E and F respectively.

1st ISG Meeting, 1-3 November 2000, Seoul, Republic of Korea

## Exchange of Views on Regional Political and Security Situation

3. There was an extensive exchange of views among the participants on political and security developments in the region since the 7th ARF Ministerial Meeting. The discussion, which was held in an open and free flowing manner, covered a wide range of issues that have an impact on the region as a whole.
4. There was general agreement among the participants that the regional security situation remains relatively stable as cooperative relations among ARF countries, including the major powers, have improved. The Meeting noted the rapid recovery of economies in the region. The participants, however, acknowledged the existence of challenges in the

region and agreed that it was necessary to continue to strengthen the process of regional security dialogue and cooperation under the ARF.

5. The participants welcomed the historic inter-Korean summit in June 2000 and follow-up steps taken to implement the South-North Joint Declaration which covers humanitarian issues, including family reunions, economic cooperation and military talks. They further encouraged both North and South Korea to build on the success of the summit to continue the peace process, with a view to establishing lasting peace on the Korean Peninsula. They welcomed the ongoing normalization talks between the DPRK and Japan, Canada, New Zealand, the UK, Germany, Spain and the Netherlands, as a contribution to reducing tension in Northeast Asia. They also welcomed the recent visit to Pyongyang by the US Secretary of State, involving serious and constructive talks on a range of issues. The participants considered the admission of the DPRK into the ARF in July 2000 to be a significant step towards strengthening the ARF process and advancing the cause of regional peace and security. Notwithstanding positive developments in the region, some participants expressed concerns regarding the situation on the Korean Peninsula and hoped for further positive developments.
6. The participants noted the successful holding of the third Asia-Europe Meeting (ASEM 3) in Seoul on 20-21 October 2000 and welcomed the adoption of the “Seoul Declaration for Peace on the Korean Peninsula”, which expresses support for the process of rapprochement and cooperation under way between North and South Korea. They noted that this Declaration underlines the importance of strengthening efforts to improve relations between ASEM partners and the DPRK. The participants also welcomed the ASEAN+3 Summit to be held in Singapore in late November 2000 as a further step towards strengthening regional cooperation.
7. The Meeting emphasized their support for the sovereignty, territorial integrity and national unity of Indonesia. The participants welcomed the progress toward the restoration of stability in East Timor and acknowledged the achievements made by United Nations Transitional Administration in East Timor (UNTAET) in cooperation with Indonesia and other countries. They underscored the need for the international community to extend support for the reconstruction, rehabilitation and nation-building of East Timor and for cooperation with UNTAET. They also recognized the importance of the urgent resolution of the problem of East Timorese refugees in West Timor in a comprehensive manner in order to ensure peace and harmony of all Timorese. They emphasized the need for further action to resolve the refugee problem, including dealing with the militia activity.
8. The participants noted that the situation in the South China Sea has been marked by positive developments and welcomed the ongoing progress made in the consultations on

developing a Regional Code of Conduct in the South China Sea between ASEAN and China held in Dalian in August 2000 and Hanoi in October 2000. They were also encouraged by the commitment of the countries concerned to resolving disputes by peaceful means in accordance with the principles of international law, including the UN Convention on the Law of the Sea (UNCLOS).

9. The participants took note of developments in Fiji and the Solomon Islands. Some participants expressed their interest in seeing the early return to democratic government in these two countries. The participants also welcomed the recent visits to Myanmar by Mr. Razali Ismail, the Special Envoy of the UN Secretary-General.
10. Some participants exchanged views on the strategic implications of the development of the Theater Missile Defense (TMD), and also on matters related to the proliferation of weapons of mass destruction and means of delivery. The Meeting welcomed the US-DPRK missile talks held in Kuala Lumpur from 1-3 November 2000. Some participants expressed their support for the outcome of the Nuclear Non-Proliferation Treaty (NPT) Review Conference and the early entry into force of the Comprehensive Test Ban Treaty (CTBT). They also shared the view that the universality of the Chemical Weapons Convention (BWC) Verification Protocol should be concluded as early as possible. The participants welcomed the P-5 Joint Statement concerning security assurances for Mongolia and supported the nuclear weapon-free status of Mongolia. They noted China's decision to sign the Protocol to the Treaty on the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) when it is open for signing. The Meeting also noted ASEAN's desire for the other Nuclear Weapon States to sign the Protocol as soon as possible.

#### Transnational Crime of Concern to the Region

11. The EGM on Transnational Crime, co-chaired by Malaysia and the ROK, was held back-to-back with the ISG Meeting on CBMs. The Co-Chairs of the EGM briefed the ISG meeting on the Summary Report of the EGM on Transnational Crime, attached at [ANNEX G](#). The participants agreed to continue discussions on the three transnational crimes of piracy, illegal migration and illicit trafficking of small arms at the next EGM to be held back-to-back with the 2nd ISG meeting in Kuala Lumpur in April 2001. The Meeting also recalled that the Ministers, at the 7th ARF in Bangkok, had noted the need to address other transnational crime. With a view to ensuring tangible and concrete results from the EGM, the participants will consult their experts and send comments to the Malaysian Co-Chair. The Co-Chairs will then provide a discussion paper based on the summary report of the first EGM, which is to serve as a basis for discussions at the 2nd EGM.

## Consideration of CBMs

12. The participants took note of the implementation of the agreed CBMs and the following reports by:
  - Singapore on “Combined Humanitarian Assistance Response Training (CHART)” held in Singapore in August 2000;
  - China on the “4th Meeting of Heads of Defense Colleges, Universities and Institutions” and on the “Seminar on Defense Conversion Cooperation” held in Beijing in September 2000 as well as the establishment of the ARF Regional Maritime Information Center (ARF-RMIC);
  - The EU on the “Seminar on Approaches to Confidence Building” held in Helsinki in October 2000; and
  - India on the “Workshop on Anti-Piracy” held in Mumbai in October 2000.
13. The Meeting revised the list of proposed CBM activities, removing those implemented and moving some from Basket 2 to Basket 1. The revised list is at [ANNEX H](#).
14. The Meeting agreed to present the following CBMs, which have been proposed for inclusion in Basket 1, for the consideration of the ARF SOM to be held in Viet Nam in May 2001:
  - Thailand’s proposal to continue the Seminar on the Law of the Armed Conflict: In Relation to Peace Support Operations in the latter part of 2001;
  - Japan’s proposal to host the 5th ARF Meeting of Heads of Defense Colleges/Institutions in late August to early September 2001;
  - Viet Nam’s proposal for a Seminar on Economic Security for Asia-Pacific in the First Decades of 21st Century in late 2001 or early 2002; and
  - the US proposal to host a Workshop for Mid-level ARF Civilian and Defense Officials on Preventive Diplomacy.

## Preventive Diplomacy

15. The participants expressed their appreciation to Singapore for its valuable contribution in submitting the Paper on the Concept and Principles of PD ([ANNEX I](#)). The participants were requested to submit written comments on the PD paper to Singapore by 15 January 2001. Singapore would then proceed to review these comments and provide some suggestions on areas for future discussion at the next ISG meeting in Kuala Lumpur in April 2001.

## Future Direction of the ARF

### (i) Enhanced Role of the ARF Chair

16. The participants exchanged constructive views on principles, procedures and mechanisms for the Enhanced Role of the ARF Chair based on the paper (ANNEX J) revised by Japan. They expressed their appreciation to Japan for its valuable work in preparing this paper. The Meeting requested that countries submit written comments to Japan by 15 January 2001. Japan would then revise the draft paper and recirculate it together with some suggestions on areas for future discussion at the next ISG in Kuala Lumpur in April 2001.

### (ii) ARF Register of Experts/Eminent Persons (EEPs)

17. The participants discussed the Terms of Reference (TOR) for the Experts/Eminent Persons (EEPs) drafted by the Co-Chairs of the ISG on CBMs, the ROK and Malaysia (ANNEX K). The participants noted that the draft TOR for the EEPs was a useful paper presenting a good basis for the discussion of the issue. The participants were requested to submit written comments on the TOR for the EEPs to the Co-Chairs by 15 January 2001. The Co-Chairs would revise the draft Terms of Reference (TOR) and recirculate this paper for further discussion at the next ISG in Kuala Lumpur in April 2001.

### (iii) Annual Security Outlook

18. The participants noted that the first volume of the ARF Annual Security Outlook could contribute to the promotion of confidence and also agreed to further enhance the value of the ASO by encouraging all members to participate in the production of the ASO. The Meeting agreed to recommend to the 8th ARF SOM in Viet Nam that the next ASO would not be treated as confidential.

### (iv) Voluntary Background Briefings on Regional Security Issues

19. Following Canada's proposal that a new item "Voluntary Background Briefings on Regional Security Issues" be added to the agenda, five countries presented voluntary briefings.

## Other Issues

20. Russia provided a briefing on the current status of the development of the Pacific Concord.

21. Defense officials briefed the ISG on the outcome of their discussions at the Defense Officials' Lunch held on 2 November 2000 (ANNEX L). The Meeting encouraged the continued holding of the Defense Officials' Lunch as a useful confidence building measure.
22. The participants had discussions on the need for a Maritime Specialist Officials' Meeting. It was agreed that further discussions and information were necessary and that a decision to recommend to the SOM on this will be made at the next ISG in Kuala Lumpur.
23. India expressed its interest in co-chairing the ISG on CBMs in the 2001-2002 inter-sessional year with an ASEAN Co-Chair.

#### Arrangements for the Second Meeting of the ISG on CBMs

24. The participants took note of Malaysia's proposal that the 2nd ISG on CBMs for the inter-sessional year 2000-2001 be held in Kuala Lumpur on 18 - 20 April 2001. The ISG will be preceded by an EGM on Transnational Crime which will be held on 16-17 April 2001. The Meeting also took note that the programme of the ISG in Kuala Lumpur would include a visit to a defense facility on 20 April 2001.

#### 2nd ISG Meeting, 18-20 April 2001, Kuala Lumpur

#### Review of Outcome of the 1st ISG Meeting in Seoul and interim activities

25. The Republic of Korea, as the Co-Chair of the 1st ISG Meeting in Seoul, reviewed the outcome of the 1st ISG Meeting and interim activities, and the Meeting agreed with the review.

#### Exchange of Views on Regional Political and Security Situation

26. The participants had an extensive exchange of views on the political and security developments in the region since the last ISG meeting in Seoul. The frank and substantive discussions were held in a friendly and cordial atmosphere thereby contributing to the confidence among the participants.
27. The Meeting agreed that on the whole, the situation in the region had been relatively stable. The Meeting also noted that despite certain challenges and uncertainties, and differences in political and strategic perceptions, the region continues to enjoy peace and stability. The Meeting also acknowledged the importance of peaceful and stable relations between the major powers as the key to regional and global peace and security.

28. The participants welcomed the historic inter-Korean summit in June 2000 and follow-up steps taken to implement the North-South/South-North Joint Declaration. They further encouraged both the Democratic People's Republic of Korea (DPRK) and the Republic of Korea (ROK) to build on the success of the summit to continue the peace process, with a view to establishing lasting peace on the Korean Peninsula. The participants considered the admission of the DPRK into the ARF in July 2000 and the attendance of the DPRK at this ISG meeting to be a significant step towards strengthening the ARF process and advancing the cause of regional peace and security.
29. The Meeting noted that the situation in Southeast Asia on the whole had been peaceful and stable. The Meeting exchanged views on the developments in the South China Sea and welcomed the progress in the consultations between ASEAN and China to develop a Code of Conduct in the South China Sea. The Meeting was encouraged that all parties directly concerned continued to exercise self-restraint and are committed to peaceful settlement of disputes in the South China Sea.
30. The participants noted that the 4th ASEAN Informal Summit (AIS) held in November 2000 was one of the most significant events that had taken place since the Seoul ISG. At the AIS, ASEAN leaders had recognized the need toward enhancing ASEAN's cohesiveness and had pushed forward proposals that would enable closer integration and help to reduce the developmental gap within ASEAN. Another key outcome was the clear sense amongst the ASEAN leaders and the leaders of China, Japan and the Republic of Korea (ASEAN+3) to start moving towards closer East Asian cooperation. The ASEAN+3 leaders believed that a gradual approach towards closer East Asian cooperation would enhance the peace, stability and prosperity of the region.
31. The Meeting had an exchange of views on the developments in East Timor. The Meeting agreed that a strong international presence continue to be required in East Timor and reiterated the need for the support of the international community including ASEAN to play an active role in the nation building efforts of East Timor. They supported the efforts to resolve the problem of East Timorese refugees in East Nusa Tenggara province in a comprehensive manner in order to ensure peace and harmony of all Timorese.
32. The Meeting had an exchange of views on Myanmar and took note of the encouraging developments in the country. The Meeting also appreciated the efforts of the Government of Myanmar, ASEAN and the UN Special Rapporteur for Human Rights in Myanmar and the Special Envoy of the United Nations Secretary-General towards the developments in Myanmar. Some participants also expressed continued concern about the situation in Fiji and Solomon Islands. They hoped for positive results out of the Fijian elections to be held in August 2001.

33. Indonesia offered to share information of its efforts in managing its internal matters. The Meeting reiterated its support for the sovereignty, territorial integrity and national unity of Indonesia.
34. Some participants had an exchange of views on the strategic implications of the development of the Theater Missile Defense (TMD), and also on matters related to the proliferation of weapons of mass destruction and means of delivery. The Meeting also noted the efforts to achieve progress especially on securing the accession of the Nuclear Weapon States (NWS) to the Protocol to the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) Treaty.
35. The Meeting agreed that in addition to exchanging views on regional and security issues, it would be useful to discuss issues such as transnational crime and globalisation whose impact transcended borders and whose impact on regional security in the Asia-Pacific might be indirect and less immediately apparent. The suggestion was made that future Co-Chairs could consider taking up these issues as themes for discussion as well as the possibility of having experts brief the meeting on such issues or themes. The Meeting requested that Singapore could prepare a concept paper to elaborate on this ISG suggestion for the ARF SOM in May 2001.

#### Transnational Crime of Concern to the Region

36. The EGM on Transnational Crime co-chaired by Malaysia and the ROK, was held back-to-back with the ISG Meeting on CBMs. The Co-Chairs of the EGM briefed the ISG meeting on the Co-Chairmen's Summary Report of the EGM on Transnational Crime, attached as ANNEX M. The EGM continued discussions on the three transnational crime namely, piracy, illegal migration and illicit trafficking of small arms. The Meeting endorsed the concrete and practical measures recommended by the EGM to enhance regional cooperation to combat piracy. Further, the Meeting noted the deliberations of the EGM experts on Australia's draft declaration on Small Arms and Light Weapons. The Meeting also endorsed the EGM's recommendation to the ISG that the ARF members would forward their comments on the draft text to Australia for further consideration by the ARF SOM.
37. The Meeting exchanged views on the EGM and agreed that it had generally been useful. The Meeting also deliberated on the future of the EGM. Various modalities were considered. The Meeting agreed to recommend to the ARF SOM to consider winding down the EGM in the present format in respect to the three transnational crime namely, piracy, illegal migration and illicit trafficking of small arms. These and other transnational crimes including terrorism, drug trafficking and cyber crime could be discussed in the future in similar or alternative formats of EGM, ad-hoc workshops,

seminars or symposia. The Meeting agreed that consideration of new transnational issues for discussion should be on the basis of certain criteria, which could include: relevance to the ARF process, non-duplication of the work in other fora and to produce concrete results and recommendations.

38. The Meeting adopted the Co-Chairmen's Summary Report on the ARF Experts' Group Meeting on Transnational Crime held in Seoul, Republic of Korea 30-31 October 2000 and in Kuala Lumpur, Malaysia 16-17 April 2001 and would recommend it for the consideration of the ARF SOM.

#### Consideration of CBMs

39. The Meeting took note of the implementation of the agreed CBMs and report by Cambodia on "Seminar on Transparency and Responsibility in Transfers of Conventional Weapons" co-hosted with Canada and Japan on 21-22 February 2001 in Phnom Penh.
40. The Meeting took note of the reports of the following CBMs for consideration of the ARF SOM to be held in Viet Nam in May 2001:
- Japan's proposal to host the 5th ARF Meeting of the Heads of Defense Colleges/ Institutions in late August to early September 2001;
  - Thailand's proposal to host the 2nd Seminar on the Law of Armed Conflict: "The relevance of the LoAC to Peacekeeping" 7-10 August 2001;
  - US and Brunei's proposal to host a workshop for Mid-level ARF Civilian and Defense Officials on Preventive Diplomacy in September 2001;
  - Viet Nam's proposal for a Seminar on Economic Security for Asia-Pacific in the First Decades of the 21st Century on 26-28 February in 2002; and
  - Russia's proposal to host the 6th ARF Meeting of the Heads of Defense Colleges/ Institutions in 2002.
41. The Meeting also took note of the following CBMs proposed for inclusion in Basket 2:
- Canada's proposal for an ARF Peacekeeping Seminar to be co-sponsored with India and Malaysia; and
  - India's proposal to host the 7th ARF Meeting of the Heads of Defense Colleges/ Institutions in 2003.
42. The Meeting agreed that it was important to keep records of completed CBM activities and agreed that New Zealand would prepare a concept paper on maintaining a record of CBM activities.
43. The Meeting took note of the report on the ARF Maritime Information Network (ARF-RMIC), based on the National Marine Data and Information Service of China for the purpose of serving the members of the ARF with maritime data and information.

## Preventive Diplomacy

44. The Meeting expressed its appreciation to Singapore for submitting the paper on the Concepts and Principles of Preventive Diplomacy (PD) ([ANNEX N](#)). The Meeting agreed to adopt the PD paper as a snapshot of the state of current discussion on PD in the ARF. The Meeting also decided that the ISG would continue to discuss PD and focus on those issues where there remained divergence of views.

## Future Direction of the ARF

### (i) Enhanced Role of the ARF Chair

45. The Meeting expressed its appreciation to Japan for the revised paper on the Enhanced Role of the ARF Chair ([ANNEX O](#)). The Meeting agreed that ARF members would reflect further on the proposed changes and that Japan would circulate through the ARF Chair, a new revised paper for consideration of the ARF SOM.

### (ii) Terms of Reference for the ARF Register of Experts/Eminent Persons

46. The Meeting expressed its appreciation to the Co-Chairs for the revised paper on the Terms of Reference for the ARF Register of Experts/Eminent Persons. The Meeting adopted the revised paper as appears in [ANNEX P](#).

### (iii) Annual Security Outlook

47. The Meeting agreed to recommend to the 8th ARF SOM in Viet Nam that the next ASO would not be treated as confidential.

### (iv) Voluntary background briefing on Regional Security Issues

48. The Meeting took note of the briefings presented by Australia, Canada, EU, India, Japan, Thailand and the US.
49. The Meeting took note of DPRK's comments that it accepted the paper on Preventive Diplomacy and the paper on the Terms of Reference for the ARF Register of Experts/Eminent Persons ad referendum and that it would forward its comments to the Co-Chairmen separately.

## Other Issues

50. The Meeting noted that ASEAN and Russia would continue their consultations on the draft Pacific Concord.

51. The Meeting took note of the briefing by the Co-Chair of the Defence Officials' Luncheon (DOL) on the outcome of their discussions held on 19 April 2001 (ANNEX Q). The Meeting also took note that the extended luncheon had been useful in allowing the defense officials more time for discussions and that the Malaysian concept paper had served as a useful basis for discussion. The Meeting agreed to recommend to the ARF SOM to include the Defense Officials Luncheon as a regular feature of the ISG.
52. The Meeting agreed that the Defense Officials' Luncheon at the New Delhi ISG would discuss maritime strategy and that the US would present a concept paper at the ISG on a follow-up workshop.

Co-Chairmanship of the ISG on CBMs for the intersessional 2001/2002

53. The Meeting agreed with the offer by India and Viet Nam to co-chair the Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs) for the Inter-sessional Year 2001/2002.

# CO-CHAIRMEN'S SUMMARY REPORT OF THE ARF EXPERTS' GROUP MEETING ON TRANSNATIONAL CRIME

SEOUL, REPUBLIC OF KOREA, 30-31 OCTOBER 2000

KUALA LUMPUR, MALAYSIA, 16-17 APRIL 2001

## Introduction

1. Pursuant to the decision of 7th ARF SOM and 7th ARF Ministerial Meeting, held in Bangkok in May and July 2000 respectively, the Experts' Group Meeting (EGM) on Transnational Crime, co-chaired by Republic of Korea and Malaysia, was held in Seoul on 30-31 October 2000, back-to-back with the ISG on CBMs in Seoul, 1-3 November 2000. Following the decision of the Seoul ISG on CBMs, the second EGM was held in Kuala Lumpur on 16-17 April 2001 back-to-back with the ISG on CBMs in Kuala Lumpur, 18-20 April 2001.

ARF Experts' Group Meeting (EGM) on Transnational Crime, 30-31 October 2000, Seoul, Republic of Korea

## Introduction

2. Pursuant to the agreement reached at the 7th ARF SOM and ARF Ministerial Meeting, held in Bangkok in May and July 2000 respectively, the Experts' Group Meeting (EGM) on Transnational Crime, co-chaired by Malaysia and the Republic of Korea, was held in Seoul on 30-31 October 2000, prior to the first ISG Meeting on CBMs in the 2000/2001 intersessional year.
3. The EGM commenced with a plenary meeting to provide direction to the experts to ensure that their discussions would be relevant within the ARF context, followed by three separate sessions designed to explore the ARF's role and contribution in addressing the issues of piracy, illegal migration and illicit trafficking of small arms.

## Plenary

4. The Meeting recognized that the EGM can contribute to building confidence in the ARF, and noted that the submission of Country Reports by a number of ARF countries facilitated the discussions on issues of transnational crime. In addition, CBMs such as seminars and workshops on transnational crime can be useful in raising awareness of this problem and proposing concrete actions. The Meeting noted that the EGM can play a

valuable role in increasing regional awareness and complementing the work undertaken in other existing fora.

5. The Meeting recognized that issues of transnational crime need to be addressed through coordination and cooperation among ARF countries and some experts expressed the view that the EGM should continue to be convened. However, some experts also expressed reservations on the possibility of future EGM, especially in terms of mandate and the issues to be addressed by such EGM.
6. Subject to the mandate of the ISG on CBMs and ARF SOM to convene future EGM, some experts pointed out that future EGM should also discuss the nature of transnational crime and the linkages between them. Some experts also expressed the view that future EGM should include on their agenda such issues of transnational crime as drug trafficking, computer crime, money laundering and terrorism.

### Piracy

7. The Meeting recognized that piracy is an increasingly serious transnational crime with regional security implications and that cooperation among ARF countries is required to address this problem. In this context, the experts regarded it important to focus on the regional security aspects of the issue and its relevance to the ARF.
8. The Meeting took note of the briefings by Japan and India on the outcomes of the “Regional Conference on Combating Piracy and Armed Robbery against Ships” held in Tokyo on 27-28 April 2000 and the “Workshop on Anti-Piracy” held in Mumbai on 18-20 October 2000.
9. In recognizing the efforts at the bilateral, regional and international levels, the Meeting agreed to take cognizance of existing mechanisms and urged the ARF countries to take the necessary and appropriate actions to implement the recommendations developed by the International Maritime Organization (IMO) and other international initiatives for preventing and suppressing piracy and armed robbery against ships.
10. The Meeting acknowledged that the ARF is an important forum to promote political and public awareness and enhance commitment and cooperation among ARF countries in addressing the issue of piracy. The Meeting noted the usefulness of possible cooperative measures under the ARF as suggested by some experts and encouraged ARF countries to consider them for discussion in the future. In view of the fact that there are various international definitions of piracy, the EGM could consider, among other things, the most appropriate definition and categorization in their subsequent discussions on piracy.

11. In recognizing the contributions of the IMO and International Maritime Bureau (IMB), including the Piracy Reporting Center (PRC) in Kuala Lumpur, the Meeting encouraged ARF countries to work closely with these organizations to promote the exchange of information and compilation of accurate statistics.

### Illegal Migration

12. The Meeting recognized that illegal migration is becoming an increasing concern to countries in the Asia-Pacific region with its serious economic and social implications and potential to become a threat to regional security. The experts stressed the importance of closer cooperation and coordination among ARF countries.
13. The Meeting discussed the multifaceted characteristics of illegal migration, including people smuggling, and took note of how it was becoming more organized and diverse in scope. It also pointed out that illegal migration is closely inter-connected with other transnational crime.
14. The experts exchanged views on the current trends and characteristics of illegal migration in the Asia-Pacific region, identified some common difficulties and presented suggestions – for example, information sharing, coordination among law enforcement agencies, harmonization of legal mechanisms and raising public awareness – to counter illegal migration. The experts also agreed that bilateral and multilateral cooperation and coordination, along with a firm sense of national commitment, are of paramount importance.
15. The Meeting expressed general support for two of the protocols supplementing the United Nations Convention against Transnational Organized Crime, namely the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and the Protocol against the Smuggling of Migrants by Land, Air and Sea,” and recognized the role of the ARF in encouraging countries to support the above Convention and two protocols. A number of experts also noted the key role of the inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) in providing a forum to develop and implement coherent and sustainable strategies to deal with illegal migration.
16. In light of the diversity in the region, a number of reasons may be attributed to the rise in illegal migration and thus, activities to address this challenge should be relevant to each country’s unique background and needs. In addition, some experts pointed out that the issue of illegal migration should be comprehensively dealt with by countries of origin, transit and destination, if it is to be effectively addressed. Concerns were also expressed that measures to curb illegal migration should not restrict the orderly movement of people.

## Small Arms

17. The Meeting recognized that illicit trafficking in small arms poses a danger to the well-being of citizens, economic and social development, and regional security. In their deliberations, the experts took account of both global and regional initiatives developed to combat the excessive and destabilizing accumulation of and trafficking in small arms. It was agreed that any initiative must take into account the specific regional characteristics of the problem.
18. A number of measures were suggested to deal with illicit trafficking, such as information exchanges on best practices and national legislation and improved cooperation among law enforcement agencies. Most experts expressed support for the early completion of the negotiations in Vienna on the Firearms Protocol. Some experts suggested that the ARF could play a role in the implementation of the protocol at the regional level.
19. Many experts expressed the view that states have the right to procure small arms and light weapons in order to fulfill their legitimate defense and security needs. In order to prevent the illicit trade in small arms, experts suggested that states should ensure that all transfer are conducted responsibly. In addition, a number of experts raised the possibility that the ARF countries exchange information concerning the illicit transfer of small arms.
20. The 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was viewed in the Meeting as the main forum for international action to deal with this problem. In this context, the ARF countries were encouraged to play an active role in the 2001 process. The Meeting also took note of the Canada/Japan/Cambodia Co-sponsored “Seminar on Conventional Arms Transfers” scheduled for February 2001, which will include discussions on small arms.
21. Australia circulated a working paper on “Possible ASEAN Regional Forum Actions on Small Arms.” In particular, it suggested that the ARF consider developing a statement or declaration as a contribution to the 2001 UN Conference. Some experts supported this proposal while there was the view that it would require further study.

ARF Experts’ Group Meeting (EGM) on Transnational Crime, 16-17 April 2001, Kuala Lumpur, Malaysia

## Plenary

22. Representatives from all ARF member countries except Mongolia attended the second EGM on Transnational Crime, 16-17 April 2001 in Kuala Lumpur. The meeting adopted the Provisional Agenda and Programme of Activities. The list of delegation, Provisional Agenda, Annotated Agenda and Programme of Activities appear as ANNEXES A, B and C respectively.

23. The EGM started with a plenary session to provide direction to the experts, followed by three separate sessions on piracy, illegal migration and illicit trafficking of small arms based on the Co-Chairs' discussion paper on the EGM which appears as ANNEX D.
24. The Meeting had an exchange of views on the EGM as a whole including its future. It was generally agreed that the EGM had been useful in facilitating discussions on transnational crime among the ARF participants. Given the serious implications of transnational crime to security and peace in the region, the Meeting recognized the need to continue discussions and cooperation among the ARF participants to effectively address this issue.
25. Some experts were of the view that there was insufficient time at the EGM to discuss the issues of transnational crime in depth. Others expressed their views that the EGM should discuss a broader array of transnational crime such as drug trafficking, cyber crime, money laundering and terrorism. Some other experts felt that concrete measures should be identified in the three existing areas namely piracy, illegal migration and illicit trafficking of small arms before broadening the scope to include other transnational crime. Some experts suggested that, subject to the mandate of the ARF SOM, additional discussions on transnational crime could be held in alternative formats such as ad hoc workshops or seminars. The outcome of the seminars and workshops would be reported to the Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs).

#### Piracy

26. The Meeting had an extensive exchange of views on definition and categorization of piracy in order to develop appropriate measures and responses in combating piracy within ARF framework. Some ARF members recognized that regardless of wherever the crime occurred, the act of piracy could be broadly categorized into two categories (ship hijacking and armed robbery at sea) that have a regional security dimension. The Meeting recognized the importance of regional cooperation in combating piracy in these two categories. Petty theft on board ships in ports, harbours and internal waters should be dealt with effectively by the appropriate local authorities.
27. The Meeting explored greater cooperation among the ARF participants including appropriate measures to be taken by the relevant authorities in dealing with problems of piracy. The Meeting took note of the existence of various national and international instruments to combat the crime and stressed on the importance of their implementation.
28. The Meeting expressed general support for concrete and practical measures to be taken in enhancing regional cooperation to combat piracy, specifically:
  - The need to establish operational contact points among appropriate ARF enforcement agencies;

- Sharing and circulation of information/experiences on the best practices to combat piracy among ARF countries;
  - Maintaining close cooperation including making consistent piracy reporting to the IMO/IMB; and
  - The need to provide better training and exposure for coast guard or equivalent authorities.
29. Some experts were of the view that participating countries which have not yet ratified the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome Convention) should do so as soon as possible.
30. The Meeting also had an exchange of views on the future directions on piracy matters. The experts generally felt that the discussion so far had been useful and agreed that it could be continued in the future.

### Illegal Migration

31. The Meeting reviewed the outcome of the discussion on illegal migration at the Seoul EGM on Transnational Crime. The Meeting continued to exchange views and experiences in combating illegal migration.
32. The Meeting was informed that some participating countries have signed the United Nations Convention against Transnational Organized Crime and its two supplementing protocols namely the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and the “Protocol against the Smuggling of Migrants by Land, Air and Sea”. There was general support to encourage other participating countries to take necessary actions to sign and ratify the UN Convention and its two protocols. Some experts expressed views that it should not infringe states’ sovereign rights to implement their laws and regulations pertaining to this issue.
33. The Meeting was of the view that illegal migration still constituted an issue of common concern for the ARF. They stressed the importance of close cooperation and coordination among participating countries in addressing the issue in view of its serious economic, social and security implications to the Asia-Pacific region.
34. The Meeting was of the view that the issue of illegal migration has been extensively discussed at the Seoul and Kuala Lumpur EGMs. Further, they noted that the issue has also been discussed in parallel in other fora at regional and international levels such as the inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC). Some experts also expressed the view that, if necessary the issue of illegal migration could be addressed through seminars or workshops which among others could serve to identify gaps in capabilities of ARF countries in addressing this issue.

## Illicit Trafficking of Small Arms

35. The Meeting took note of the report on the outcome of the ARF CBMs Seminar on Conventional Weapons Transfers held in Phnom Penh, Cambodia on 21-22 February 2001 (ANNEX E). The experts generally agreed that various recommendations of the seminar could be adopted by member countries in addressing this issue in the context of regional co-operation. The Meeting also took note of the efforts undertaken by member countries at their national level towards combating illicit trafficking of small arms.
36. The Meeting generally agreed that there should be a concerted effort towards combating illicit trafficking of small arms. In this regard, the Meeting was of the view that the United Nations should take the lead in addressing this issue in particular the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. Some experts were of the view that regional approaches could be reflected in the UN process. The Meeting also took note of the various initiatives undertaken to curb the illicit trafficking of small arms including the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition supplementing the United Nations Conventions against Transnational Organized Crime.
37. Some experts were of the view that participating countries could explore possibilities for cooperation in areas such as personnel training, sharing of information and cooperation among enforcement agencies.
38. The Meeting had an extensive exchange of views on Australia's draft Declaration on Small Arms and Light Weapons (ANNEX F). Some experts were of the view that the draft declaration was an expression of political will of the ARF countries to cooperate in addressing the problem of illicit trafficking of small arms. They proposed that the ISG recommend that the ARF SOM adopt the draft declaration as a regional contribution to the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Some experts, however, noted that the text of the draft declaration had not been thoroughly explored by the ARF members and yet others proposed that the main elements of the draft declaration be reflected in the EGM Co-Chairs' Summary Report instead.
39. The Meeting agreed to recommend to the ISG that the ARF members would forward their comments and views on the text of the draft declaration to Australia for further consideration by the ARF SOM.

## Country Report

40. Following participating countries submitted their country reports at the Seoul EGM:
  - 40.1 Australia – Country Report on Piracy and Illegal Migration
  - 40.2 Brunei Darussalam – Country Report on Illegal Migration

- 40.3 Cambodia – Country Report on Piracy and Illegal Migration
  - 40.4 Canada – Country Report on Illegal Migration  
– Country Report on Small Arms and Light weapons
  - 40.5 Japan – Country Report on Piracy, Illegal Migration and Small Arms
  - 40.6 Laos – Country Report on Illegal Migration
  - 40.7 Malaysia – Country Report on Piracy, Illegal Migration and Small Arms
  - 40.8 Myanmar – Country Report on Piracy
  - 40.9 New Zealand – Country Report on Piracy, Illegal Migration and Small Arms
  - 40.10 Philippines – Country Report on Piracy
  - 40.11 Republic of Korea – Country Report on Piracy, Illegal Migration and Small Arms
  - 40.12 Singapore – Country Report on Piracy and Illegal Migration
  - 40.13 Thailand – Country Report on Small Arms
  - 40.14 United States – Country Report on Piracy, Illegal Migration and Small Arms
41. The following participating countries submitted their country reports at the Kuala Lumpur EGM:
- 41.1 Cambodia – Country Brief on Small Arms and Light Weapons for the Experts’ Group Meeting (EGM) ([ANNEX G](#))
  - 41.2 China – Country Report National Report on Cracking Down on International Piracy Crimes ([ANNEX H](#))  
– Country Report National Report on Combating Illegal Immigration and Human Smuggling ([ANNEX I](#))  
– Country Report on Cracking Down on Small Arms Smuggling ([ANNEX J](#))
  - 41.3 Republic of Korea – Country Report on Illegal Migration and Small Arms (updated) ([ANNEX K](#))
  - 41.4 Malaysia – Country Report on Piracy and Armed Robbery at Sea ([ANNEX L](#))
  - 41.5 Myanmar – Country Report on Illegal Migration ([ANNEX M](#))  
– Country Report on Illicit Trafficking of Small Arms ([ANNEX N](#))
  - 41.6 New Zealand – Country Report ([ANNEX O](#))
  - 41.7 Singapore – Country Report on Small Arms and light Weapons ([ANNEX P](#))

# ASEAN REGIONAL FORUM CONCEPT AND PRINCIPLES OF PREVENTIVE DIPLOMACY

ADOPTED AT THE 8TH ARF, HA NOI, VIET NAM, 25 JULY 2001

## Introduction

1. The ASEAN Regional Forum (ARF) was established by ASEAN in 1994 to maintain peace and stability in the region and to promote regional development and prosperity. It was recognized that rapid development in the regional and global environment had impacted on the security and strategic concerns of countries in the region. It was also acknowledged that the region was remarkably diverse, and that there remained challenges to regional peace and prosperity.
2. The ARF sought to meet these challenges by putting into place a three-stage process – Stage 1 on promotion of Confidence Building Measures, Stage 2 on development of Preventive Diplomacy and Stage 3 on Elaboration of Approaches to Conflicts. It was generally recognized that the ARF would have to establish itself, over time, as a meaningful forum to enhance the peace and prosperity of the region. To do so, the ARF process would have to adopt a gradual evolutionary approach, decision-making by consensus and move at a pace comfortable to all its members in order to achieve its long-term objectives. Discussions should be aimed at enhancing mutual understanding and trust among the Asia-Pacific countries, furthering their dialogue and cooperation, and promoting peace, stability and prosperity in the region.
3. Much progress has been made over the past six years, a relative short time in the life of regional organizations. Constant interaction among Ministers and senior officials of the ARF members, and confidence building measures that have been initiated, have helped build up comfort levels. This has allowed for discussions among ARF members to be candid and frank, thereby encouraging greater transparency, mutual trust and understanding of each other's concerns and positions. It was stressed that the confidence building would continue to be the main thrust of the whole ARF process, since it is impossible to move the ARF forward without a high degree of mutual understanding and trust among ARF participants.
4. Hence, at the 4th ARF, the Ministers instructed the ARF Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs) to identify areas in the overlap between CBMs and Preventive Diplomacy, and ways and means of addressing them while maintaining the

focus on CBMs. In addressing the issue of overlap, a common understanding on a working concept of Preventive Diplomacy (PD) and the principles governing its practice is necessary to provide a common basis on which to explore this overlap and to enhance confidence in the process. Pursuant to this, the Ministers at the 6th ARF in Singapore instructed the ISG on CBMs to further explore the overlap between CBMs and PD, focusing inter alia on the development of the concepts and principles of PD.

#### Definition Concept and Principles of PD by the ARF

5. Agreement on the definition and, more importantly, a common understanding of the concept of PD and the principles governing the practice of PD, would be useful for further progress on the development of PD within the ARF. The definition of PD by the ARF sets out very broad objectives, and the concept would serve as a guide as to the approach to take, while the principles would serve as a guide as to fundamental parameters for the practice of PD in the ARF.
6. The definition, concept and principles of PD as agreed by ARF members are not legal obligations. They are shared perspectives that would apply only to the ARF and should be understood as representing the current status of an evolving consensus in the ARF as discussions continue. These discussions should be aimed at enhancing mutual understanding and trust among ARF members, take into account the actual conditions of the region and be consistent with basic principles of international law and established ARF processes.

#### Definition of PD

7. The definition of PD has proven to be controversial. However, there appears to be general consensus that PD 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 confrontation; and
  - To help minimise the impact of such disputes and conflicts on the region.

#### Concept of PD

8. Much academic work has been done within this broad definition of PD, and various concepts have been suggested. We can view PD along a time-line in keeping with the objectives: to prevent disputes/conflicts between states from emerging, to prevent such disputes/conflicts from escalating into armed confrontation, and to prevent such disputes and conflicts from spreading. Some measures could be taken even before a crisis has actually arisen.

9. PD measures could include the following:
  - a. Confidence Building Efforts i.e. efforts to build mutual trust and confidence between states. The successful application of PD has to be built upon continuous efforts to maintain and enhance trust and confidence. Without a high degree of trust among ARF participants, it is unlikely that PD in the later stages of any conflict can be carried out. While the ARF has succeeded in fostering dialogue among ARF members over the past few years, it is now time to look into strengthening the habit of cooperation. Cooperation among ARF members can preempt disputes as well as prevent disputes from developing into conflicts by enhancing trust and understanding.
  - b. Norms buildings i.e. nurturing of accepted codes or norms of behaviour guiding the relationships among states in the Asia-Pacific region. To the extent that the codes enhance predictability and strengthen cooperative behaviour in ensuring regional peace, norms building enhances trust between and among states in the region. The ARF could consider measures in this area, such as developing a code of conduct governing relations among ARF members which is consistent with existing codes such as the Treaty of Amity and Cooperation in Southeast Asia (TAC) and the UN Charter.
  - c. Enhancing Channels of Communication: Open, easy and direct communications or channels among ARF participants which serve to promote transparency with a view to avoid misperception or misunderstanding. Such channels would advance information-sharing, provide early warning and facilitate dialogue.
  - d. Role of the ARF Chair: The ARF Chair could play a role as determined by ARF members.
10. At the onset of a crisis, further measures could be considered as appropriate. The ARF should continue to consider possible further measures with a view to reaching consensus on them.

#### Principles of PD

11. Principles to guide the practice of PD are necessary to increase understanding of the scope and mechanisms of the scope and mechanisms of PD and to provide consistency and reasonable expectations of the process. In formulating and applying these principles, it would be useful to draw on the approach that has contributed to ASEAN's success and resilience. This includes the non-use of force in inter-state relations, the peaceful settlement of disputes, non-interference in the internal affairs of members, pragmatism, flexibility and consensus, consultation and accommodation.
12. The following are 8 key principles of PD, drawn mainly from discussions in CSCAP:
  - It is about diplomacy. It relies on diplomatic and peaceful methods such as diplomacy, negotiation, enquiry, mediation, and conciliation.

- It is non-coercive. Military action or the use of force are not part of PD.
- It should be timely. Action is to be preventive, rather than curative. PD methods are most effectively employed at an early stage of a dispute or crisis.
- It requires trust and confidence. PD can only be exercised successfully where there is a strong foundation of trust and confidence among the parties involved and when it is conducted on the basis of neutrality, justice and impartiality.
- It operates on the basis of consultation and consensus. Any PD effort can only be carried out through consensus after careful and extensive consultations among ARF members, with due consideration for the need for timeliness.
- It is voluntary. PD practices are to be employed only at the request of all the parties directly involved in the dispute and with their clear consent.
- It applies to conflicts between and among States.
- It is conducted in accordance with universally recognized basic principles of international law and inter-state relations embodied, *inter alia*, in the UN Charter, the Five Principles of Peaceful Co-existence and the TAC. These include respect for sovereign equality, territorial integrity and non-interference in the internal affairs of State.

## Conclusion

13. The ARF's process should progress at a pace comfortable to all members on the basis of consensus. A step-by-step approach is needed to ensure consensual progress in order to secure the maintenance and continuing enhancement of commitment of all participants in the ARF process. We should seek to proceed with the possible while keeping an eye on what can be done in the longer term. For the ARF to further develop, it is important to achieve a common understanding and consensus on the concept, definition and principles of PD.

# ENHANCED ROLE OF THE ARF CHAIR (SHARED PERSPECTIVES AMONG THE ARF MEMBERS)

## Objective

The 6th Senior Officials' Meeting (SOM) of the ASEAN Regional Forum (ARF) in May 1999 agreed that the next ISG (1999-2000) would continue to explore the principles and procedures for an enhanced role for the ARF Chairman in good offices and co-ordination in between ARF meetings. The 6th Ministerial Meeting in July 1999 noted the common understandings reached on the four tabled proposals relating to the overlap between CBMs and PD. These common understandings include the above agreement at the SOM.

Consistent with this request, the ARF ISG on CBMs of the 1999-2000 inter-sessional year at its meeting in Tokyo in November 1999 discussed these roles and agreed that such a role for the ARF Chairman in liaising with external parties should be further encouraged as far as it was carried out informally with prior consultation with all ARF members and their consent. The ARF ISG meeting in Singapore in April 2000 had a substantive exchange of views on this issue. The meeting agreed that the ARF Chair could serve as a useful conduit for information-sharing in between ARF meetings, and that members could utilise this on a voluntary basis.

The 7th Ministerial Meeting in July 2000 requested the ISG to continue its work in exploring the overlaps between CBMs and PD and strengthening the four CBM/PD overlap proposals already agreed upon, which include an enhanced role of the ARF Chair.

The aim of this paper is to help clarify and facilitate the ongoing discussions at the ISG on the Enhanced Role of the ARF Chair. The paper is mainly focused on the role of the ARF Chair in the CBM stage, and outlines principles and procedures that could serve as a basis for further discussions. These principles and procedures are shared perspectives that would apply only to the ARF and should be understood as representing the current status of an evolving consensus in the ARF as discussions continue.

## 1. Principles

In accordance with universally recognized basic principles of international law and inter-state relations embodied, *inter alia*, in the UN Charter, the Five Principles of Peaceful Co-existence and the TAC, including respect for sovereign equality, territorial integrity and non-interference in the internal affairs of a state, the Enhanced roles of

the ARF Chair in good offices and co-ordination in between ARF meetings are aimed at enhancing mutual understanding and promoting the continuity and efficiency of the ARF process.

## 2. Roles and Procedures

### (1) Definition of the ARF Chair

ARF Chair means the Minister for Foreign Affairs or its equivalent of the ARF Chair Country in the inter-sessional year. The ARF Chair could appoint a representative (such as the SOM Leader) to assist the Chair.

### (2) Roles

The ARF Chair could perform a role in good offices and/or a role in co-ordination in between ARF meetings which includes:

- a) Promoting confidence building among ARF members by facilitating information exchange and dialogue between and among ARF members, such as by holding conferences and workshops.
- b) Fostering cooperation between ARF members by facilitating discussion on potential areas of cooperation.
- c) Facilitating discussion on norms building in the ARF to enhance mutual trust and understanding.
- d) Encouraging exchange of information and highlighting issues that can impact on regional security for consideration by the ARF by serving as a conduit for information sharing in between ARF meetings.
- e) Serving as a focal point for consultations among ARF members on the basis of consensus of all the ARF members. Upon prior consent of directly involved states and the consensus of all the ARF members, the ARF Chair may convene an ad hoc meeting of all ARF members at an appropriate level.
- f) Liaising with external parties, such as heads of international organizations, and Track II organizations on an informal basis and with prior consultation with all ARF members and their consent.

### (3) Mechanism to Support the ARF Chair

The ARF should discuss an appropriate mechanism to support the ARF Chair so that the Chair can carry out the roles in good offices and co-ordination in between ARF meetings smoothly and effectively. The following modalities of mechanism could be taken into consideration:

- a) The ARF Chair will be supported by the resources of its country as is the current practice.
- b) The ARF Chair could draw on the expertise and resources of other ARF member (s). In this context, a particular attention should be paid to the need to ensure effective continuity during a transition period of chairmanship.
- c) The ARF Chair could call upon the Experts and Eminent Persons (EEP) to provide their views on issues of relevance to their expertise in accordance with the Terms of Reference of EEP to be established with the consensus of all ARF members.
- d) The ARF Chair could draw on the expertise and resources of external parties and Track II organisations as far as this was undertaken informally with consent of ARF members.

#### (4) Reporting

The ARF Chair should report to all ARF members on its activities in a timely manner.

## CO-CHAIRS' PAPER ON THE TERMS OF REFERENCE FOR THE ARF EXPERTS/EMINENT PERSONS (EEPs)

The 7th ARF Senior Officials' Meeting in May 2000 agreed that *“the ARF proceed with collating nominations of experts/eminent persons (EEPs) for the Register on a voluntary basis for submission. However, discussions on the terms of reference for the use of the Register would continue in the next inter-sessional year.”* The 7th ARF Ministerial Meeting in July 2000 also agreed that *“pending further discussions and agreement on the terms of reference for the Register, the ARF participants proceed with collating nominations of experts/eminent persons (EEPs) for the Register on a voluntary basis with the ARF Chair serving as a focal point.”*

Consistent with this request, the ARF ISG on CBMs of the 2000/2001 inter-sessional year should continue discussions on the terms of reference for the use of the Register while the ARF participants forward the list of their EEPs for the Register on a voluntary basis. The purpose of this paper is to generate further exchange of views among ARF participants on the development of an appropriate draft Terms of Reference for the EEPs.

1. Nomination on Experts/Eminent Persons
  - a) Each ARF participant can nominate, on a voluntary basis, up to five experts/ eminent persons (EEPs), after having obtained their consent.
  - b) Each ARF participant may only nominate its own nationals to the Register. (In the case of the EU, it may nominate EEPs holding the nationality of any EU country).
  - c) An ARF participant cannot veto the nominees of another ARF participant.
2. Contents of the Register
  - a) The Register should contain the following information on each EEP: name, nationality, contact details (address, phone/fax numbers, e-mail address, etc.), curriculum vitae, areas of expertise, as well as any additional information deemed relevant.
3. Management of the Register
  - a) The ARF Chair will manage the Register throughout each inter-sessional year. Copies of the Register should be made available during meetings of the ARF SOM and upon the request of any ARF participant.

- b) ARF participants should keep the ARF Chair informed of any changes in the information regarding their respective nominees including the addition and/or withdrawal of an EEP. The ARF Chair will then update the Register accordingly.
4. Scope and Procedure for Activities of the EEPs
- a) The EEPs may provide non-binding and professional views or recommendations to the ARF participants, when they are requested to undertake in-depth studies and researches or serve as resource persons in ARF meetings on issues of relevance to their expertise.
  - b) The ARF Chair or any ARF participant may propose to activate the EEPs for the above-mentioned tasks. Such proposals will be collected by the ARF Chair and circulated to all ARF participants. In the absence of any objection from concerned ARF participants the proposals will be put into effect.
  - c) The activities and findings/results of the EEPs should be reported to the ARF Chair which would share it with all ARF participants. In this regard, the EEPs should be informed in advance on the way their findings/results will be used by the ARF chair or ARF participants.
5. Financial Rules
- a) The ARF participants that engage the services of the EEPs will bear the costs involved.
  - b) In the event that the EEPs are commissioned for a task by the initiative of the ARF Chair, the Chair may mobilize voluntary contributions from ARF participants. The modality of funding should be indicated in the proposals.
6. Future Review of the Terms of Reference
- a) These Terms of Reference for the use of the Register of EEPs will be reviewed for possible amendments and revisions when and if the need arises in the future. Any amendments and revisions shall be made on the basis of consensus of all ARF members.

