



ASEAN Security Connectivity

Regional Solutions to Regional Security Challenges

Dr. Frederick Kliem (Editor)

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Table of Contents

1	Introduction <i>Dr. Frederick Kliem</i>	3
2	Security Cooperation in Southeast Asia <i>Dr. Frederick Kliem</i>	15
3	Case Studies	
	3.1 Migration and Its Implications for Security Connectivity in ASEAN <i>Dr. Sriprapha Petcharamesree</i>	35
	3.2 Water Resource Security in Mainland Southeast Asia: Challenges and Solutions <i>Dr. Vannarith Chheang</i>	63
	3.3 Maritime Security in Southeast Asia: A Case for Paradigm Shift on ASEAN's Agenda <i>Dr. Do Thanh Hai</i>	83
4	Conclusion <i>Dr. Frederick Kliem</i>	105
Appendix	Policy Recommendations to the ASEAN Chair 2019 & 2020 <i>Dr. Frederick Kliem</i>	113
Contributors		123

1

Introduction

Introduction

ASEAN Security Connectivity (ASC) is a one-and-a-half-year project, jointly organised and hosted by Konrad-Adenauer-Stiftung's Regional Programme Political Dialogue Asia in Singapore and the Diplomatic Academy of Vietnam in Hanoi.

The project's *raison d'être* has always been to discuss the future of security cooperation within the Association of Southeast Asian Nations (ASEAN) against the backdrop of ever more palpable ASEAN inadequacy and inaction in confronting recent security-relevant challenges. A reluctance by ASEAN to meaningfully engage in the management of security challenges, such as, *inter alia*, the Rohingya situation, the South China Sea disputes, and the management of water resources, increasingly risks ASEAN security irrelevance; in the eyes of ASEAN's partners as well as its own members. The ASEAN Security Connectivity Working Group (ASC WG) discussed relevant issues and devised options for the medium-term future of cooperation within the ASEAN Political-Security Community (APSC).

The ASC Working Group consists of thirteen permanent and seven non-permanent members, representing a great variety of stakeholders from the ASEAN region, including well-regarded academics, government ministers, policy-makers, diplomats, as well as representatives from civil society and the business community. Representatives from the political community included ministers and senior officials from ASEAN countries, both active and retired. The ASC WG met three times over the course of the entire ASC project in Singapore and Vietnam. Meetings typically consisted of two conference days, discussing various relevant themes and questions.

The intense, multifaceted and controversial but fruitful and inclusive brainstorming over three conferences culminated in this detailed publication that discusses ideas, rationales, contexts, applications, and outcomes, and includes three sample case studies. The long ASC WG deliberation process over the three workshops in Southeast Asia (Singapore, Hanoi,

Danang, Vietnam) and countless discussions and presentations were wide-ranging and inclusive. The aim had always been to find innovative solutions to security challenges ASEAN ought to be managing.

The final workshop also saw agreement on six vital policy recommendations to be put forward to the forthcoming ASEAN Chairs Thailand and Vietnam. Those consist of three general policy recommendations from the entire ASC WG as well as three specific policy recommendations; one per case study lead-researcher. Those recommendations can be found in the Appendix of this publication as well as in the shorter ASC Policy Recommendations brochure that has been submitted to the ASEAN departments at the foreign ministries of Thailand and Vietnam for their kind consideration.

Aim and approach

The regional order in Southeast Asia is under stress due to a number of interrelated developments and challenges. Challenges and tensions arise from current geopolitical shifts, but are also due to a variety of structural, economic, societal, technological, and ecological factors. In general, security issues (both traditional and non-traditional) are getting more complex and interconnected, and are often transnational in nature. While some must be ultimately addressed on a global scale, the regional level is an auspicious starting point for regional problems. Often, regional solutions are sufficient in themselves, but even when this is not the case, as is the case with climate change for instance, relying on subsidiarity will eventually support global solutions by establishing regional conformity, informing the global debate, and providing implementation precedents. Isolationist approaches are increasingly ineffectual and, therefore, regional partnership and collaboration within ASEAN is highly desirable.

Regional cooperation can alleviate the consequences of most contemporary and pressing security problems. With the ASEAN Political-Security Community (APSC), the region does have an infrastructure in place that is well suited to be the hub of transnational security cooperation among a number of stakeholders facing similar challenges. Thus far, however, APSC is lacking not in vision and goals, but in effectiveness in regional security cooperation. Like many aspects of ASEAN, initiatives address “low-hanging fruits” at the lowest common denominator level only and measures are ad hoc, unreliable, and not sufficiently habitualised. Resembling a “paradox

of plenty”, the numerous regimes and institutions often remain silent whenever immediate security issues emerge, due to an absence of a coordinated approach, an overall security connectivity in other words. Due to diverse internal procedural as well as external limitations, ASEAN seems unable to confront serious challenges head-on. Some of these limitations as well as challenges are introduced in the following chapter.

Overall, ASC has constantly strived to stay true to its main aspirations and values.

- **Regional trust-building**
Trust-building and -maintenance therefore must remain the overall benchmark of all cooperative mechanisms. Without this, all mechanisms and cooperative efforts will inevitably fail. It is therefore the main aspiration of ASC to build mutual understanding and strategic trust and to promote frank and inclusive dialogue among all relevant stakeholders.
- **Rules-based order**
The promotion of respect for international and regional laws, regulations, norms and rules must be a major aim of ASC. Within a rules-based framework, ASC should propose functional conflict management and resolution mechanisms.
- **Cross-sectoral partnership**
Collaborative multi-stakeholder partnerships have been identified as a pivotal building block of security cooperation in the globalised 21st century. Hence, the promotion thereof is crucial to ASC’s success.
- **Networks**
Those multi-stakeholder networks must be sustainable and lasting to continuously develop ASC cooperation in sync with the ever-changing security landscape.
- **Knowledge and information sharing**
Within sustainable multi-stakeholder networks, the sharing of best practices and relevant information across issues and agents should be promoted.

➤ Policy recommendations

Lastly, the ASC project must inform the ASEAN policy-making process and the wider multi-stakeholder network. To this end, clear policy recommendations have been devised and articulated in this publication as well as in the separate ASC Policy Recommendations brochure.

While there existed a wealth of varying opinions among the ASC WG on how to tackle ASEAN's challenges in the APSC most effectively, consensus existed on the need for ASEAN to establish both horizontal and vertical security connectivity. Horizontal security connectivity can be achieved by engaging and connecting stakeholders on the national and regional governance levels as well as non-state actors; connecting the nation state, ASEAN, and sectors (the state, the market, and civil society organisations). Stakeholders who share converging interests on particular security issue(s) are the nodes of ASC. Vertical security connectivity connects not agents, but interrelated security issues and thus, the domains of cooperation, e.g., ecological hazards or communal violence and irregular migration; these are the modes of ASC. Consequently, the ASC approach recognises horizontal and vertical connectivity of regional security and, thus, believes nodes, i.e., stakeholders, and modes, i.e., issues and developments, to be interlinked. ASEAN security connectivity aims to cut across boundaries of issues as well as actors. The links of ASC are new and existing mechanisms through which stakeholders initiate, integrate, and institutionalise cooperation.

ASC is not per se issue-specific, but is a wider vision and a concept that can be applied to a large number of interconnected transnational security issues. It is a process through which stakeholders across two or more countries initiate and institutionalise cooperation on certain issues, in ways that contribute to capacity-building and community-building within the APSC pillar, regardless of the exact issue at hand, as long as it is regionally relevant.

ASC depends on three key elements:

- i. Navigating ASEAN's tricky dilemmas arising from its own internal mechanisms and remaining internal trust deficit.

ASEAN's apparent lack of action taken on issues that are both regionally relevant and according to the ASEAN Charter and the APSC blueprints within its mandate is oftentimes due to internal limitations. Some of those internal limitations are explained

in the following chapter and include ASEAN decision-making processes and consensus orientation. While it is of utmost importance to ensure continued ASEAN cohesion and to further enhance ASEAN community-building, those self-inflicted limitations must be overcome in the long run.

ii. Establishing multi-stakeholder cooperation.

At times of ever-greater connectivity, regional challenges are often both transnational as well as transsectoral in nature. Cybersecurity questions, for example, cut across sectors, (the modes) of government as well as the tech industry. Therefore, effective ASC depends on connecting multi-stakeholder linkages both within states and within ASEAN. Within individual ASEAN states, government agencies must seek cordial partnerships with think tanks, non-government organisations (NGOs) and corporations etc. Across Southeast Asia, those linkages apply to ASEAN and ASEAN-based multilateral and minilateral institutions, bilateral partnerships, regional-based agencies, civil society organisations and networks and so forth. Beyond Southeast Asia, it is important to establish inclusivity as a key principle of ASC and each great power in the region ought to be engaged as an equal partner. In the face of growing US-China rivalries, for example, ASC must avoid taking permanent sides, and must try to cultivate a competition among the powers to cooperate with ASEAN.

iii. Establishing connectivity among individual challenges

Similar to i., at times of ever-greater connectivity, regional challenges are not only transsectoral in nature, but often transnational as well. Irregular migration issues, for example, cut across the domains (the modes) of migration, human rights, and transnational crime. It is therefore of utmost importance to not treat security challenges in separation, through separate mechanisms and with separate strategies, if there are evident linkages. The migration example suggests that states dealing with refugees, for instance, may need to engage ASEAN's transnational crime agencies and mechanisms.

Thus, ASC underlines the importance of comprehensive security (interwoven relationships among regional political, economic, socio-cultural, and environmental dimensions). As the first step, it seeks to promote a common regional understanding of what security threats are relevant, what are emerging trends, what are root causes of relevant security threats, and how multilateral security cooperation can be for the mutual benefit. This pertains to often-sensitive security issues that must be considered from different dimensions and diverse stakeholder perspectives.

It aims to foster institutional innovation, policy coordination, and resources mobilisation as a collective regional response to common regional security threats. It is envisaged that security connectivity can support existing instruments in realising the goals of the political security community; ASEAN security connectivity is therefore an attempt to help realise the APSC pillar, by trying to reinforce and synergise existing ASEAN-led multilateral security mechanisms and cooperation as well as promote the notion that regional security challenges are relevant to the entire regional community.

ASEAN security connectivity shall contribute to diffusing strategic trust, common understanding, and interests in the sensitive field of security. On the basis of a rules-based community of shared norms and values, it shall strengthen security-related ASEAN institutions, based on which innovative and collective responses to common, transnational and cross-sectoral security threats can be effectively implemented.

In other words, what ASC hopes to foster is a new and fresh, innovative way to think about security as well as about the workings of ASEAN in the APSC pillar. Finding regional solutions to regional problems.

However, fresh thinking should not break with some established and required principles. For example, in order to reach consensus and not alienate individual ASEAN member states, the ASC approach stresses the enduring importance of quiet diplomacy. Moreover, ASC and especially its policy recommendations should not ponder the impossible, but must appeal to the new and innovative, but possible. In order to break out of the viscous circle of disillusion and non-invoking of ASEAN mechanisms, it must be conveyed to ASEAN members that ASEAN mechanisms can work if the circumstances are right.

The ASC WG followed roughly a seven-step approach over the course of the three workshops. This macro-framework was also often unintentionally, but helpfully, applied at the micro-level, guiding discussions and

presentations. *First*, discussants took stock of what could conceivably be seen as ASEAN inaction, not confronting relevant current security-relevant issues. For example, it was found that the role of ASEAN in the Rohingya refugee crisis was sub-optimal. *Second*, the identification of emerging regional security issues that could perceptibly have a serious and lasting negative impact on the future of Southeast Asian security by the experts was a necessary process in order to support the APSC to be future-ready. One recurring hotspot in this respect was the Mekong sub-region, where possible conflicts over natural resources may play a prominent role in Southeast Asia's future. *Third*, in order to devise solutions, it is necessary to understand the main driving forces behind the issue. This includes understanding the driving forces behind the individual security issues, the driving forces behind a possible proactive coalition to deal with the issue as well as the driving forces behind any attempts to block the process or slow it down. *Fourth*, in line with and staying true to the ASC approach, a stakeholders analysis must follow. This includes all relevant stakeholders across all relevant sectors; the nodes in other words. *Fifth*, this step maps the existing regional mechanisms and institutions as well as regimes, regionally and globally, that may have some role in specific issue management. *Sixth*, this mapping is followed by an assessment of their capacity and what resources are available to them. This step in the workflow will therefore show to what extent ASEAN is equipped to manage the particular issue. *Lastly*, on the basis of all of the above, clearly articulated, tangible and realistic proposals and policy recommendations ought to follow. ASC should not remain an academic exercise alone. Criticism and analysis is only as useful as viable alternative proposals, and the ASC WG intends to inform the practical APSC policy-making process by feeding results into this process.

This publication now proceeds as follows:

The following second chapter will provide an overview of ASEAN-based security cooperation in Southeast Asia. This is for the reader to gain an introduction to the working methods, processes, and existing mechanisms within the APSC, necessary for an appreciation of both the limitations and opportunities of ASEAN-based cooperation. In particular, the so-called ASEAN way of regional integration, ASEAN's peculiar *modus operandi*, shall be introduced. As will the existing, partly overlapping security mechanisms and regimes as well as the APSC blueprint.

Subsequently, this book will move on to the case studies of three of the most pressing contemporary security issues Southeast Asia is facing. Dr. Sriprapha Petcharamesree from Thailand's Mahidol University analyses the state of ASEAN cooperation in the context of migration. Her paper, "Migration and Its Implications for Security Connectivity in ASEAN", looks at the migration-security nexus in the context of ASEAN connectivity. It argues that while physical connectivity contributes to greater people movement, the national notion of institutional connectivity prevents ASEAN from coming up with a common ASEAN migration platform to deal with migration challenges. The ad hoc and inadequate nature of measures towards irregular migration especially will have negative impacts on ASEAN security connectivity due to the missing link between national security and human security in ASEAN's current practice.

Dr. Vannarith Chheang from Cambodia and Associate Fellow at ISEAS-Yusof Ishak Institute in Singapore contributed the chapter on "Water Resource Security in Mainland Southeast Asia: Challenges and Solutions". In it, he assesses resource security in Southeast Asia, particularly water resource security in the Mekong region. In his view, the risk of water-related conflicts is severe and competition for access to water resources in the region is exacerbated by rapid population growth, urbanisation, industrialisation, intensive agriculture development, energy demand and climate change. In this context, the management of the Mekong River Basin matters for ASEAN community-building, particularly in narrowing the regional development gap, as it involves the four less developed economies of ASEAN (Cambodia, Laos, Myanmar, and Vietnam), and is a critical regional security issue. His case study sheds light on the importance of the Mekong River Basin for ASEAN and explains the challenges of resources management. Dr. Chheang analyses key stakeholders and suggests relevant policy recommendations to offset the impacts of unsustainable development of the Mekong River Basin and to prevent resource conflicts.

Dr. Do Thanh Hai is Senior Fellow at the Diplomatic Academy of Vietnam in Hanoi and contributed the third case study to the ASC project. His paper, "Maritime Security in Southeast Asia: A Case for Paradigm Shift on ASEAN's Agenda", argues that the escalation of tensions in the maritime domain over the last decade has posed a critical test to ASEAN's *raison d'être* as a stabilising force. ASEAN has been criticised for its inability to agree on a meaningful strong common position over the South China Sea and is now confronted with a credibility crisis. According to his analysis,

maritime security is illustrative of the inherent weakness of ASEAN's approach to security. The narrow focus on national gains at the expense of regional interests, the separation of issues due to sectoral boundaries, and the supremacy of sovereignty and of government priorities make it very difficult to find a proper dispute management regime. Dr. Do Than Hai explores the issue of maritime security in Southeast Asia with emphasis on its effect on efforts to strengthen connectivity. He expertly discusses how the various disputes are interrelated and linked to the broader regional security where stakeholders' fortunes are entangled. Based on these analyses, he creatively works out pathways with new thinking and innovative measures to manage the disputes for the sake of community-building within ASEAN and beyond.

The case studies are followed by a concluding chapter, and most importantly, by policy recommendations that have been put forward to both the Thai ASEAN Chair of 2019 and the incoming Vietnamese ASEAN Chair of 2020.

2

Security Cooperation in Southeast Asia

Security Cooperation in Southeast Asia

Dr. Frederick Kliem

This chapter will introduce some of the key concepts as well as the Association of Southeast Asian Nations (ASEAN) itself in more detail. It will examine the peculiar ASEAN way and the operational and procedural code of conduct of the organisation, and briefly introduce its institutional set-up. Before categorising and specifying the types of security challenges ASEAN is currently facing, this chapter will also explain the connectivity aspect of security cooperation. It argues that in the light of the considerable challenges and tasks the ASEAN Political-Security Community (APSC) is facing, innovative solutions and approaches are needed. This is achievable only if approaches to security connect all relevant modes and nodes; connect stakeholders, connect issues, and connect knowledge.

Regionalism

When referring to regionalism, what is meant in this book is first and foremost a framework for the study and practice of institutionalised political, economic, and socio-cultural cooperation by a number of sovereign nation states within a given region, Southeast Asia in this case. Geography is at the centre of regionalism and a key criterion stipulated in the ASEAN Charter of 2007/08.¹ Joseph Nye defines a region as a “limited number of states linked by a geographical relationship and by a degree of mutual interdependence” and regionalism as “the formation of interstate associations or groupings on the basis of regions; and [...] the advocacy of such formations.”² Defined as such, geography, interdependence, and coop-

¹ You can access the ASEAN Charter here: <https://asean.org/storage/images/archive/publications/ASEAN-Charter.pdf>.

² Nye, J. (1968): *International Regionalism*, Little Brown&Co, Boston: vii.

eration among political elites in nation states are the main parameters of regionalism.

We must, therefore, treat the entities of first, the state, and second, political elites as the reference points and main actors of regionalism, while institutionalised modes of regional cooperation are the facilitators of regionalism. No matter what theoretical lens one applies to the study of regionalism, it always refers to human interaction of some kind, in order to advance and pursue a certain set of goals within a defined region. This interaction takes place within varying degrees of formal integration in the form of institutions and regimes on the basis of documents such as charters, laws, mottos, and declarations. But also less formal and even ad hoc contacts between regional actors in the form of bi-, multi-, or mini-lateral arrangements with the purpose of coordinating regional relations in some way.

Regional integration then is the establishment and continuation of patterns of interaction among states and political elites in a region, forfeiting varying degrees of national sovereignty and endowing an organisation with varying degrees of jurisdiction. While regionalists such as Ernst Haas saw regional integration as the transfer of authority with a new political community superimposed over the pre-existing ones as the end result,³ Karl Deutsch emphasised the relationship among units in which they are mutually interdependent and jointly produce system properties which they would otherwise lack.⁴

ASEAN

The above interpretation of regionalism can effortlessly be applied to the institutionalised cooperation among, and integration of Southeast Asian states within ASEAN as well as various ASEAN-based, pan-Asian arrangements. Regional coherence and ultimately the independent agency of an organisation's institutions are closely linked to its character, determining the degree and progress of regional integration. In the ASEAN case, Haas' above-defined characteristics are less emphasised than Deutsch's additional system properties that ASEAN members would lack individually.

³ Haas, E. (1958): *The Uniting of Europe. Political, Social and Economic Forces, 1950- 1957*, University of Notre Dame Press: 16.

⁴ Deutsch, K. (1968): *The Analysis of International Relations*, Prentice Hall, NJ: 192.

ASEAN is often called the world's second most successful project of regional integration. Unlike the supposed number one, the European Union (EU), however, ASEAN is an immensely heterogeneous organisation. It was founded on 8 August 1967 with the ratification of the ASEAN Declaration (also Bangkok Declaration) by the foreign ministers of the original five founding member states, Indonesia, Philippines, Thailand, Malaysia, and Singapore. The present day ASEAN10 were gradually completed with the admission of Brunei Darussalam in 1984, Vietnam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999. ASEAN's main legal body, the 2007/08 ASEAN Charter, does provide for further membership expansion without any specific economic or political pre-accession criteria, as long as the applicant is a sovereign nation state located within the geographical boundaries of Southeast Asia. ASEAN's founding must be seen against the backdrop of events unfolding in Asia in the 1960s and 70s, especially communist consolidation in Vietnam and China, and it was always security that had been utmost in the minds of Southeast Asian leaders when they founded ASEAN. Although of course important, economic principles were given only rhetorical pre-eminence over security. Coincidentally, the collapse of the nationalist Sukarno government facilitated a new domestic and foreign policy order in Indonesia and allowed for a rapprochement between former adversaries in the region. Post-Konfrontasi Indonesia signalled its increasing willingness to cooperate with the rest of Southeast Asia. Sukarno's successor, Suharto, wanted to portray Indonesia as a constructive, cordial neighbour interested in cooperation. As the largest state in virtually all measures, Indonesia arguably plays the most important role as ASEAN's first among equals.

Southeast Asia is geographically fragmented and comprised of large and small mainland and maritime states, split by plenty of waterways and straits and most dominantly by the South China Sea. ASEAN member states cover political and administrative systems ranging from absolute monarchies and authoritarian systems, to democratic parliamentary or presidential systems. A simplified political characterisation could for instance recognise Malaysia as one of the few functioning and consolidated democracies in East Asia, while Brunei is an absolute monarchy, and Vietnam a socialist one-party state. Or Thailand – unique in that it is the only ASEAN member state without a history of colonial administration – which used to enjoy a great wealth of capable and comparatively liberal political leaders. Unfortunately, since 2001, Thailand has been in a

prolonged state of political instability. The country remains highly military coup-prone, the latest of which took place in 2014. It has since regained some stability but is governed by an unpredictable military junta in absolute control of all institutions and branches of government. Elections will likely be held in 2019, but whether a return to democracy will follow remains unclear.

Similarly, ASEAN enjoys a great wealth of ethnic and religious diversity, ranging from secular to Islamic, Buddhist, or Christian societies. Some countries, such as Thailand or Vietnam, are ethnically fairly homogenous while others, such as the Philippines and Indonesia, are diverse. Most mainland nations tend to have one principal ethnic/religious population group and numerous minority groups. Maritime states on the other hand often have a large number of ethnicities, sometimes without one constituting an absolute majority. The socio-economic development gap is equally striking. ASEAN has one of the highest regional income disparities in the world. Per capita GDP ratio between the largest and smallest nations is trending around 1:45, with the EU equivalent at 1:14. The United Nations lists Singapore in the top five of developed nations – higher than the United Kingdom – but ranks Indonesia as the world's 113th. Cambodia and Laos are even as low as 143rd and 138th respectively.⁵ A similar disparity applies to bureaucratic state capacity. Corruption is endemic across ASEAN. Transparency International lists Cambodia (156th) and Myanmar (136th) as two of the most corrupt countries on earth, while Singapore (7th) has the lowest degree of public-sector corruption in all of Asia; less corrupt than Germany.⁶

Southeast Asia in general is rich in natural resources and encompasses pivotal sea lanes, linking East Asia with the Indian Ocean towards the Bay of Bengal, and further on to the Middle East, Africa and Europe. As a historical consequence, Southeast Asia has played a significant role in much of colonial, World War II, and Cold War history, and has often been the centre stage for past and present conflicts, power balance dynamics, and turf wars. Its geostrategic significance continues to this day, of course. Undoubtedly, all ASEAN member states have had penetrating, sometimes even tragic and traumatic, experiences with outside interference. In this

⁵ UN HDI (2016): Human Development Index, available: www.hdr.undp.org.

⁶ Transparency International (2016): Corruption Perception Index 2016, available: www.transparency.org.

light it is not altogether surprising that nationalism and maintenance of the sovereignty of the state has been and continues to be one of the most defining features of Southeast Asian politics.

All this is of immediate relevance to this publication. Contemporary Southeast Asian affairs, and the nation states' preferences and priorities, sensitivities and self-perception cannot be appreciated without being acutely aware of the stark differences, the geopolitical significance, and the national self-conception.

ASEAN-style Multilateralism

In the light of the above, it is not altogether surprising that national security, resilience, and sovereignty are the defining features of Southeast Asian integration. There persists an inseparability of the two notions of national resilience and regional resilience. If the nation state is robust and independent, administered by a strong government and buoyed by sound socio-economic conditions and a strong sense of nationalism, it is better equipped to deal with outside threats and contribute to regional development. If Southeast Asia were to consist of only resilient but friendly nation states, the region would be strong as a consequence. National resilience would enable the small states of Southeast Asia to withstand outside interference, but ought to develop in a spirit of regional solidarity and cooperation based on common interests. In ASEAN, therefore, nationalism precipitated and facilitates regionalism, and this duality remains a lasting guiding principle of ASEAN integration.

Permitting cooperation in so diverse and unique a region is an equally unique *modus operandi* colloquially called the ASEAN way. The ASEAN way is a seemingly contradictory method of regional governance, consisting of core principles and practices, such as national sovereignty, equality, and mutual non-interference in internal affairs – both bilaterally and via ASEAN. The realisation of the ASEAN way in day-to-day governance results in a strictly intergovernmental architecture. Emphasised are the practices of informal consensus building and inclusive consultation in a non-confrontational, face-saving negotiation environment.

Such procedures lead to a highly informal and personal interactional habitus, whereby ASEAN's political elites aim to avoid open confrontation and consensus seeking takes place at a level of mutual comfort and face-saving. Particularly the often sensitive arenas of security in general and

domestic problems rely on quiet diplomacy. Communication and policy-making takes place outside the public view. In particular, the so-called retreats, forums that take place before larger summits and meetings, where ministers and leaders discuss particular issues in absolute privacy, are tried and tested mechanisms of consensus seeking.

A critical reading would see the ASEAN way as not only making ASEAN a highly intransparent organisation, in which decision making is almost mystically opaque to citizens, but also limiting the organisation's effectiveness, as policy-making and ASEAN agency is reduced to the lowest common denominator among nation states, since consensus requires all to unanimously agree – or at least not disagree – before ASEAN can collectively move on a particular issue. Also complicating matters are diverging prioritisations of core principles. Whereas the founding members are by and large consensus-oriented but relatively bolder in terms of publicly highlighting even problematic issues and moving ASEAN forward, other members tend to put particular emphasis on the principle of non-interference in internal affairs.

ASEAN's first firm legal foundation came in the form of the 2008 ASEAN Charter. The Charter codified not only the regional bureaucratic organisation and institutional targets, but also guiding norms and values. The most significant functional forums governing ASEAN are the biannual ASEAN Summit as the prime overall decision-making body, and the meetings of the various ASEAN ministers (AMM). Both forums are meetings among the member states' leaders or various ministers, underlining ASEAN's strict intergovernmentalism. Most, though not all, whole-of-ASEAN meetings are organised, hosted, and led by the annually rotating ASEAN Chair (Thailand in 2019, Vietnam in 2020). In practice, the chair performs four major duties: ASEAN's external spokesperson; hosting, chairing, and facilitating all meetings; and agenda setting. The most crucial job, however, is the chair's informal role as consensus builder to support eventual decision making. The ASEAN Secretariat is based in Jakarta, Indonesia, and is supposed to streamline ASEAN cooperation and to be the permanent mission control. It is headed by the ASEAN Secretary General, selected from all member states in alphabetical order and appointed for five years. In theory, the Secretariat has the potential to transcend the strict intergovernmentalism of ASEAN. Yet, given its very limited financial and human resources and highly circumscribed mandate, it in fact epitomises the approach of prioritising national pre-eminence over supranational sovereignty.

On 31 December 2015 ASEAN inaugurated its ASEAN Community; ASEAN's most comprehensive restructuring project to date. The ASEAN Community institutionalises ASEAN's strategic aspiration for regional stability and security, economic prosperity, and closer engagement with its peoples and civil society. It consists of three pillars: ASEAN Political-Security Community (APSC), the Economic Community (AEC), and the Socio-Cultural Community (ASCC). All three are hierarchically equal and mutually reinforcing. In addition, the concept of Connectivity aims to enhance the physical, institutional, and people-to-people linkages, ostensibly necessary to achieve integrational objectives.

Concentric Multilateralism: ASEAN Centrality

The most crucial concept in relation to appreciating ASEAN's role in regional security is Asia's concentric multilateral structure, sharing ASEAN and ASEAN processes as their centre, and branching out to include different partners in different institutions and forums. All relevant actors in Asia are in one way or another part of this concentric structure. Asia's multilateral security cooperation, therefore, takes place within multiple layers of institutionalised cooperative mechanisms cutting across all issue domains, involving ASEAN as well as relevant stakeholders beyond ASEAN. Those important forums include the East Asian Summit (EAS), the ASEAN Defence Ministers' Meeting+ (ADMM+), ASEAN+3 (APT), and the ASEAN Regional Forum (ARF). Within this architecture, ASEAN is at the procedural centre, what has become known as ASEAN centrality. Although ASEAN centrality is not specifically defined, it can be understood best from a stakeholders networking perspective. It is the broader notion that ASEAN and its own processes are at the centre of wider Asian multilateralism in general, and of the regional security architecture in particular. Southeast Asia is implicitly also seen as the geographical hinge of Asian relations. Since the end of the Cold War, this set-up has steadily expanded and has shown that it works relatively smoothly. It is no surprise that ASEAN leaders themselves believe that the organisation should remain at the core of Asia's multilateral architecture; but most of its external partners believe so too, deeming this an opportune and non-threatening structure with ASEAN as a convenient and honest broker. ASEAN represents a useful interlocutor and mediating channel to conduct great power relations. ASEAN appreciated this privilege and intended to be in the driver's seat of regional security. By virtue

of being seen as an honest broker, ASEAN assumes centrality almost by default.

Exemplary deliverables of centrality include the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC), which, as the only still operational security agreement in Asia, is of particular importance to ASEAN Security Connectivity. ASEAN states codified in the TAC their own intramural peaceful cooperation in order to create a strong regime- and rules-based foundation. To this day, the TAC continues to be one of the most important ASEAN documents and is the basis for present-day security cooperation.⁷ It has since expanded to include ASEAN's external partners, including, *inter alia*, the US, China, India, Japan, Australia, and the EU, all of whom have signed up to ASEAN's codified rules-based order for Asia. TAC principles still denote a *de facto* code of conduct for non-violent regional relations. Its purpose is "to promote perpetual peace, everlasting amity and cooperation" in Southeast Asia, and signatories defined the principles of⁸

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- b. The right of every State to lead its national existence free from external interference, subversion or coercion;
- c. Non-interference in the internal affairs of one another;
- d. Settlement of differences or disputes by peaceful means;
- e. Renunciation of the threat or use of force;
- f. Effective cooperation.

ASEAN centrality, therefore, refers to the distinct position and role of ASEAN as the pivot of multilateral security and economic/trade cooperation in the wider region, with which ASEAN has been able to exercise remarkable influence within the network of greater powers, despite ASEAN's lack of material power. It originates from Southeast Asian states' navigation among greater powers competing for influence and ASEAN leaders' objective neither to be marginalised by the struggle for influence and dominance among more powerful actors, nor to choose one side unconditionally over the other. With centrality, ASEAN found a path to promote

⁷ APSC Blueprint (2009): Article II/9, available: www.asean.org.

⁸ Treaty of Amity and Cooperation in Southeast Asia (1976): Art. 1&2, available: www.asean.org.

cooperation and trust building with its own processes as the guidelines for regional multilateralism; to proliferate norms, rules, and non-violence. An even more ambitious aim implicit in centrality is the aim to proactively harness and even shape great-power activity in Asia. In other words, the concept of centrality attempts to keep ASEAN and its members relevant against the odds of unequal power in Asia.

In any case, without ASEAN, most of the most important regional institutions and regimes would not have been possible. And despite being comparatively low in material capabilities, via ASEAN, Southeast Asian states have carved out a disproportionately influential role in regional security for themselves. ASEAN has achieved a certain degree of normative power, and has fostered cooperative security, consultation, consensus-building, conflict-avoidance, etc.

However, while centrality has clearly been achieved by ASEAN, maintaining centrality is a difficult task. In the light of the ASEAN way, its leaders must find innovative ways to perpetuate ASEAN's relevance at the heart of Asian multilateralism. In a rapidly changing regional environment and facing ever more security challenges that transcend the national definition of security, i.e., being transnational in nature, it is incumbent upon ASEAN to address challenges to its centrality.

Security Connectivity

The three pillars of the ASEAN Community are deeply intertwined with the concept of connectivity. In general, connectivity aims to enhance physical, institutional, and people-to-people linkages, necessary to achieve the Community's integration objectives. ASEAN Connectivity as outlined in the Master Plan on ASEAN Connectivity 2010 spans three domains: improvement of physical connectivity by enhancing air, land and maritime transport, information and communications technology, and energy infrastructure development; strengthening institutional connectivity by developing effective institutions and mechanisms to facilitate movement of trade, investments and services, and managing cross border procedures; and enhancing people-to-people connectivity by empowering peoples through education, culture and tourism. The new Master Plan on ASEAN Connectivity 2025 was adopted by the ASEAN leaders in September 2016 in Vientiane to achieve a seamlessly and comprehensively connected

and integrated ASEAN that will promote competitiveness, inclusiveness, and a greater sense of Community.

Specific to ASEAN Security Connectivity, connectivity refers to institutional, stakeholder, and issue linkages. Yet, the most basic premise of ASEAN Security Connectivity is the context of overall regional connectivity. That is, the realisation and appreciation of the fact that what happens in one part of a connected region has great ramifications in other parts of that region too. If ASEAN elites propagate the connectivity of the region with the Master Plan on Connectivity, the same elites must also accept the inevitable consequence of deeper multisector connection. With greater institutional, human, and physical exchange comes also a regionalisation of problems. In a closely connected region, each constituent's security and development is closely interrelated with the others'. Each ASEAN member's prosperity and stability as well as challenges are closely linked and matter greatly on the regional level. In a globalised ASEAN, all stakeholders are part of one and the same regional framework of prosperity and development, but also of problem and challenge management and resolution. This is the basic premise upon which ASEAN Security Connectivity is built. Hence, to address ASEAN security, there is a need to develop a holistic approach to connect relevant security issues and stakeholders instead of seeing everything in isolation. For example, Dr. Do Than Hai will urge us in Chapter 3.3 to see territorial disputes in the South China Sea as not separate from, but in connection with locally related issues such as environmental degradation, piracy, and fishing regulation in the South China Sea. In other words, ASEAN Security Connectivity seeks to establish a multi-security issue nexus. There are several stages to establishing such nexuses. First, assessing the respective security system by mapping out the current status, trends and evaluating future risks. Second, envisioning a desired future outcome and drawing up plausible scenarios. Third, investing in a sound future structure by creating and communicating plans for appropriate mechanisms. Fourth, structural transformation to facilitate communication, implementation, and monitoring changes.

A further integral part of security connectivity is stakeholders mapping and subsequent stakeholders linking. Stakeholders in general are all major actors – institutional or otherwise organisational – that have legitimate perspectives on the issue at hand, relevant knowledge and experiences, and resources to participate in the process. There are five rough types of regional stakeholders in the ASEAN security arena: regional institutions

(e.g., ASEAN-based institutions), international cooperation mechanisms (e.g., United Nations), national or multilateral partners (e.g., individual countries or the European Union), private corporations, and civil society groups (e.g., human rights pressure groups). A multistakeholder approach not only allows the pooling of resources, but in the first instance helps to gauge and reconcile different interests and reach consensus solutions. Moreover, dialogue is a process of trust building between the multiple relevant actors of the state, the business sector, and civil society. In chapter 3.2, Dr. Vannarith Chheang has expertly demonstrated the value of multi-stakeholder partnerships in the Mekong River basin.

The final aspect of Security Connectivity is the connection of knowledge. Data sharing among all stakeholders is crucial for implementing effective solutions. This applies across all stakeholder connections, i.e., among governments and government agencies as well as among non-state actors, such as experts and invested businesses. Cross-sectoral knowledge sharing is severely limited by lingering distrust among ASEAN governments and state agencies as well as the reluctance by them to seek engagement with external non-state actors.

The above connectivity will not only support ASEAN's visible effectiveness, but also ensure meaningful cross-sectoral impact. More often than not, security issues touch on various political, economic, and social domains. Innovative solutions, therefore, require cross-sectoral cooperation to maximise resources and multisectoral buy-in as well as to avoid unintended consequences, negative spill-over effects, and unnecessary doubling of mechanisms. Such a desirable approach is, unfortunately, subject to the inherent weakness of most multilateral arrangements, i.e., inhibiting structures, such as the ASEAN way, and a narrow interpretation of the national good, i.e., a narrow focus on national gains at the expense of common regional/global interests. Isolation of issues, stakeholders, and knowledge occur due to the supremacy of sovereignty and narrow national priorities as well as the uncoordinated multitude of isolated approaches and mechanisms. Hence, a supreme ASEAN role would be highly desirable.

The Merits of ASEAN-based Multilateralism

In the light of the above, ASEAN provides platforms for binding engagement of all relevant stakeholders in the region and by doing so, gains a certain degree of agency, used to maintain peaceful and rules-based regional

cooperation. A nuanced strategy of inclusive and deeply institutionalised engagement keeps regional dialogue alive. Hence, bogging down in often slow and tedious processes becomes a virtue rather than a vice, and the process in the ASEAN case is not necessarily a hindrance, but a medium for purpose and progress. While such process- and norms-based institutions cannot preclude great power dynamics and their negative consequences, they coexist and influence, check, and shape great power interactions. This peculiar form of weak states-led multilateralism is a source of strength for regional multilateralism, as the only architecture acceptable to the greater powers in the region. Moreover, ASEAN-based forums are multipurpose forums that provide ASEAN with relationship- and trust-building possibilities and allow capacity leveraging for converging security interests in Asia. Hence, ASEAN's concentric multilateralism is a crucial facilitator of ASEAN Security Connectivity.

The Limitations of ASEAN-based Multilateralism

Yet, ASEAN multilateralism is subject to severe limitations that can be classified into three distinct categories.

1. Limitations by design – The ASEAN way

ASEAN security cooperation suffers from a number of inherent structural imperfections and ASEAN is limited by its own structural set-up. Features entailed in the ASEAN way as well as different interpretations of guiding norms and principles slow down the decision-making process and limit the effectiveness of the organisation. Intrinsic limitations are due to often severe development and capability gaps, causing different interpretation of norms and priorities across Southeast Asia. Contributing to this are ASEAN's norms-based and soft-institutionalised rather than legalistic processes. The ASEAN way and the highly informal and personal interactional habitus, avoiding any open confrontation, severely limit ASEAN's efficacy. In particular, with rather sensitive security policies, especially when pertaining to what a member state would consider a domestic issue, it is tough to get consensus and, this, more often than not, paralyses ASEAN. Jürgen Haacke showed that oftentimes even non-sensitive security issues rely on bilateral cooperation among ASEAN members or with third parties,

circumventing multilateral avenues.⁹ To some extent, this is reflected in Dr. Sriprapha's chapter 3.1 in this publication on the security-migration nexus in Southeast Asia.

ASEAN-based regional security mechanisms prefer both soft-institutionalism and soft-security issues and eschew higher hanging fruits. Based on the ASEAN way, conflicts are at best managed and potentially contentious issues are kept off the agenda and each party is able to block multilateral discussion of particular issues within ASEAN-based multilateral forums, such as the EAS and ASEAN+3. Since all ASEAN-spawned initiatives have inherited the ASEAN way of consensus and non-binding outcomes, they more often than not cause inefficacy.¹⁰

2. Nurtured limitations – Mistrust

Just like the first, this second category of limitations is also self-inflicted and ASEAN-internal. Persisting strategic distrust among ASEAN members curtail common approaches to common challenges, as the lack of information sharing and the non-interference norm of the ASEAN way often stand in the way of effective cooperation. Bilateral problems among ASEAN members and the resulting contradictory perceptions and prioritisations are centrifugal forces within ASEAN that push particular security issues away from the centre and outside of the ASEAN framework. Unresolved issues, both historical and contemporary, can undermine ASEAN cohesion and affect its centrality. The lack of strategic trust and the resulting lack of information sharing and transparency remain a main constraint in promoting regional cooperation and developing regional solutions. Information sharing on transboundary phenomena is limited as countries tend to keep domestic data for national security reasons. This has ramifications for issues such as combatting terrorism, armed insurgencies, and pirates. Additionally, ASEAN's capacity in preventing and mitigating resource-driven tensions is low, as Dr. Vannarith Chheang shows in his case study in this publication.

⁹ Haacke, J. (2009): The ASEAN Regional Forum. From Dialogue to Practical Security Cooperation?, *Cambridge Review of International Affairs*, Vol. 22 (3): 434.

¹⁰ Dosch J./Kliem, F. (2018): Regional Security, in: Connors/Davison/Dosch: The New Geopolitics of the Asia-Pacific. Conflict Cooperation in the Asian Century, 3rd ed., Routledge.

3. Geopolitical limitations – Great power interests

Lastly, as an organisation of small states in a region of great geopolitical interest, ASEAN is limited by great power dynamics and their national interests. A number of greater security issues in the region depend on the strategic relationship between the United States and China – and increasingly India and Japan. ASEAN's institutional effectiveness is limited or enabled by the will of greater powers to intervene. Those externally imposed limitations are to a large extent out of ASEAN's control, but can be influenced under auspicious circumstances. ASEAN centrality still allows ASEAN to engage all relevant external actors in a number of multilateral forums and institutionally influence and constrain their actions to a certain extent. However, the pressure to take sides in the strategic duality increases constantly. In particular, Chinese infrastructure investment in, and large trade volume with ASEAN member states exacerbate this limitation. Dr. Do Than Hai's case study on the South China Sea disputes will show how this unfolds in reality.

While the first two limitations mean that effective cooperation depends entirely on the goodwill of the member states, the third issue is a result of geopolitical forces outside of ASEAN's direct control. However, one ought to be aware that these three categories are not isolated limitations. More often than not, a particular issue cuts across two or even all three categories and the case studies in this publication will demonstrate this further.

Contemporary Security Challenges in Southeast Asia

Southeast Asia faces a number of serious security challenges, which can be roughly categorised into three types. However, most contemporary security challenges are multi-faceted and -dimensional and, thus, some of them, if not all, transcend categories.

I. Intra-ASEAN Security Challenges

This specific category relates to all challenges arising from conflict among two or more ASEAN member states and are, therefore, ASEAN-internal. The reasons for such conflicts are manifold and often historical, political, or normative. Historical issues often relate to unresolved border disputes

and questions over sovereignty, or national and ethnic or religious identity issues. The Thailand-Cambodia border skirmishes between 2008 and 2011 are an example. Political issues may relate to internal conflicts, for instance between separatist groups and the respective governments, that may incur spill-over effects into different areas of bilateral or multilateral relations. Normative conflicts may emerge among two or more ASEAN members in cases of disagreement over certain norms and practices, e.g., starkly diverging interpretations of human rights standards and, in consequence, a clashing with the non-intervention in internal affairs of a member state norm and practice. The second case study in this publication demonstrates some of the negative consequences of strategic mistrust and how it curtails cooperation (*Dr. Vannarith Chheang: "Water Resource Security in Mainland Southeast Asia: Challenges and Solutions"*).

II. Transboundary Security Challenges

The second category is where the greatest number of contemporary security concerns are located. Transboundary challenges are those that transcend national borders by definition and therefore concern at least two ASEAN member states directly. In consequence, category II challenges in particular are most obviously best managed on the ASEAN level. Of currently greatest concern in the region are terrorism and religious and ideological extremism. In particular, the Philippines and Indonesia, but also others, struggle with such challenges. Transnational crime, in particular drug- and people-smuggling, as well as maritime piracy are of concern too, as are environmental and resource security. An exemplary cooperative mechanism in this field is the annual ASEAN Ministerial Meeting on Transnational Crime (AMMTC), established in 1997. Tackling sea piracy is one of AMMTC's priority areas, but the 2007 ASEAN Convention on Counter Terrorism as well as the 2015 ASEAN Convention Against Trafficking in Persons Especially Women and Children are also AMMTC initiatives.

The first and second case studies of this publication deal with this category (*Dr. Sriprapha Petcharamesree: "Migration and Its Implications for Security Connectivity in ASEAN"*, and *Dr. Vannarith Chheang: "Water Resource Security in Mainland Southeast Asia: Challenges and Solutions"*).

III. Great Power-Related Security Challenges

In this final category most obviously fit all conflicts arising from actions and interference by one of the great powers in Southeast Asia as well as spill-overs into the region from direct competition between the US and China. In particular, the territorial assertiveness and unilateral expansion of the People's Republic of China in the South China Sea is an example of the great risk of escalation of conflict through aggressive unilateral action by one of the great powers; and even between the great powers, for aggression from one side is often answered by the other. However, since other outside powers, such as India and Japan, are increasingly invested in the region, the binary interpretation of great power competition must be widened to a certain extent. Due to the substantial power asymmetry between the ASEAN member states, even all ten as a whole, on the one hand and the individual great powers on the other hand, category III challenges are the most difficult to manage for ASEAN. Currently, maritime security in the South China Sea is a prominent example. ASEAN manages tensions with relevant stakeholders through various mechanisms, such as the ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security (ARF ISM-MS), which covers confidence-building measures and maritime risks management. The third and final case study of this publication deals with a challenge in this category (*Dr. Do Thanh Hai: "Maritime Security in Southeast Asia: A Case for Paradigm Shift on ASEAN's Agenda"*).

All three categories include challenges that are both traditional and non-traditional in nature. Especially in the realist tradition within International Relations and Security Studies, security has been discussed in terms of territory and threats to territorial integrity. The nation state is the quintessential actor and, threatened by other actors with military means, the nation state's survival is the most important criterion for having security. Accordingly, threats can be alleviated by increasing one's own power and defence capabilities by enhancing military and economic might, engaging in pre-emptive military action, building and enhancing alliances etc. Some institutional realists also account for the possibility of some form of limited, rational-oriented institutional integration and confidence-building measures among a group of competing states.¹¹

¹¹ For more information see Dosch J./Kliem, F. (2018): Regional Security, in: Connors/Davison/Dosch: The New Geopolitics of the Asia-Pacific. Conflict Cooperation in the Asian Century, 3rd ed., Routledge, pp. 193-5.

Traditional security challenges in Southeast Asia include, inter alia, inter-state disputes over land and maritime borders and features, cross-border insurgencies, arms-racing spirals and the risk of miscalculation, and the South China Sea disputes. Hence, the third case study of this publication deals with a security challenge of the traditional type (*Dr. Do Thanh Hai: "Maritime Security in Southeast Asia: A Case for Paradigm Shift on ASEAN's Agenda"*).

As security studies evolved, non-traditional security (NTS) threats were ever more progressively being paid attention to and the understanding of what constitutes security was widened; and with it also what situation or development constitutes a threat. NTS threats broadly include everything that is a non-state challenge to the survival and well-being of the state and its people. The traditional view is broadened in two ways. First, security is no longer seen as being state-centric alone. Second, the welfare of the society as a whole and the security of the individual are included. Since the end of the Cold War, the security discourse has expanded from the nation state as the principal object of security and the understanding of security in exclusively military terms. The emerging notion of human security included food-, economic-, political-, and increasingly environmental-related challenges. Despite the risk of the concept of human security being too vague to serve as a sound analytical framework and the risk of over-securitisation of issues, there is now all but universal consensus that exclusively state-centric, military security is no longer sufficient in order to account for global security and stability.

NTS threats include internal threats in the form of, inter alia, subversion by extremist groups, terrorism, irregular migration, economic hardship, human rights violations, famines and pandemics, environmental disasters, internal and transnational crime, and food insecurity; all of which pose a direct threat to the welfare of the state and its people and are thus security relevant.

The following chapters 3.1 to 3.3 will demonstrate in great detail how all those above practices, institutions and regimes, concepts and principles play out within ASEAN. Three distinguished experts in their respective fields have analysed ASEAN's performance and shortcomings, its potential and challenges in order to ultimately arrive at a situation where ASEAN and ASEAN-linked stakeholders can be the provider of indigenous regional solutions to regional problems.

3

Case Studies

Migration and Its Implications for Security Connectivity in ASEAN

Dr. Sriprapha Petcharamesree

Introduction

“Restrictions on travel for ASEAN nationals within the region are largely a thing of the past”.¹ This statement, which is part of the Master Plan on ASEAN Connectivity 2025, may lead us to understand that the Association of Southeast Asian Nations (ASEAN) is now open to free flow of people movements, especially for intra-ASEAN mobility. However, a closer examination of its elaboration of “people mobility” reveals that it mainly refers to “opportunities to improve mobility in ASEAN”.² By “opportunities”, ASEAN includes “facilitating travel for tourists by addressing the lack of information on travel options and providing simpler mechanisms to apply for necessary visas. Additionally, there is an opportunity to strengthen skills mobility in the region and, where appropriate, by establishing high-quality qualification frameworks in critical vocational occupations, and to encourage greater mobility of intra-ASEAN university students”.³ The concept of “people mobility”, according to such an explanation, is limited to the mobility of tourists, skilled labour and professionals as well as students. The concept does not allow any interpretation of its meaning to include the flow of human movements or migration as defined by international

¹ ASEAN Secretariat, “Master Plan on ASEAN Connectivity 2025”, Jakarta, 2016, <http://asean.org/storage/2016/09/Master-Plan-on-ASEAN-Connectivity-20251.pdf>, p. 10.

² Ibid.

³ Ibid.

organisations such as the International Organization for Migration (IOM)⁴ despite the fact that migration is an increasing trend in the region.

As of 2016, ASEAN was home to 635.9 million people. As of 2018, statistics estimate that this has increased to 650.5 million.⁵ People's movements within the region are rapidly rising and migration has become an important and integral component of development in the region. The causes of migration vary from one country to another, but common problems are: poverty, violent conflicts, discrimination, persecution and other forms of human rights violations. In addition, environmental migration and displacement through other causes are becoming increasingly prevalent in the region. Irregular⁶ and mixed migratory flows⁷ are also key trends in ASEAN. The most common forms of migration in the region are irregular labour migration and trafficking for labour and/or sexual exploitation. Unfortunately, people who flee from persecution, discrimination or armed conflicts are, often times, also considered as migrants in irregular situations. Although migration has always been present in the region, ASEAN has never had any comprehensive policy to deal with it. Most agreements and policies in ASEAN deal mainly with the movements of skilled labour or professionals.

While the free flow of goods, services and capital is encouraged or even pushed for further liberalisation by ASEAN, the movement of people is, in contrast, increasingly restricted through migration and border management. Management always means more restrictive policies and measures. Although international human rights law, including the ASEAN Human Rights Declaration, recognises the right of every person to leave and to return to one's own country, it does not recognise the right to enter another country. "States are entitled to control movement across their

⁴ The International Organization for Migration (IOM) defines migration as "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification." See, IOM, Key Migration Terms, <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Migration>.

⁵ Statistics Portal, www.statista.com/statistics/796222/total-population-of-the-asean-countries/.

⁶ Irregular migration is the cross-border flow of people who enter a country without that country's legal permission to do so.

⁷ Mixed migratory flows are complex population movements, including both voluntary and forced ones.

borders....States determine who can enter and who can reside and work in their territories".⁸ Migration could be considered an opportunity or a threat or both, depending on the type of movement concerned. However, increasingly, migration has become associated with the notion of a security challenge, in particular, irregular migration.

This paper aims to look at the migration-security nexus in the context of ASEAN connectivity. It argues that while physical connectivity contributes to greater people movement, the national notion of institutional connectivity prevents ASEAN from coming up with a common ASEAN migration platform to deal with migration challenges. The ad hoc and inadequate nature of measures to deal with irregular migration, especially, will have negative impacts on ASEAN security connectivity due to the missing link between national security and human security in the current practice in ASEAN.

The paper first looks at the migration situation in ASEAN before addressing how ASEAN as a group has been dealing with the issue of migration and how the issue is linked to security. The paper then analyses the key stakeholders before attempting to make some recommendations regarding migration governance in ASEAN.

Mixed Migration in ASEAN: Accommodation and Rejection

Mixed migration is the key trend in ASEAN. Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, and Vietnam are all considered sources of labour migration in ASEAN, while Malaysia, Singapore and Thailand are considered countries of destination. Brunei also hosts a number of migrant workers, in particular from Malaysia and Indonesia. The causes of migration vary from economic insecurity, including poverty, high levels of unemployment, and income and wage gaps, to demographic changes and ageing populations, etc. It is interesting to note that "there is an overlap between migrant-sending countries and the origin countries of asylum seekers. For example, in Southeast Asia, both Myanmar and Indonesia are migrant-sending countries as well as the origin for many asylum seekers in the region. Conversely, major migrant-receiving countries such as

⁸ Monika Wohlfeld, "Is Migration a Security Issue?", <https://pdfs.semanticscholar.org/e829/de6ceb77be4395a942387fe187568b6b0de1.pdf>, pp. 63-64.

Malaysia, Thailand, and Indonesia are also refugee-hosting countries".⁹ The "key conclusion here is that asylum seekers go to countries where their fellow labour migrants have been going, using existing social networks".¹⁰

Migration among the 10 ASEAN member countries has risen over the two decades since 1995. In 2015, there were 6.9 million intra-regional migrants in ASEAN. Malaysia, Singapore and Thailand hosted 6.5 million migrants or 96 percent of migrants in ASEAN. The highest number of migrants in one country, 3.7 million, is found in Thailand, mostly originating from Myanmar (53 percent), Lao PDR (26 percent) and Cambodia (21 percent).¹¹ The data presented, however, may not represent the whole picture of labour migration in ASEAN because of the irregular nature of the migrants. According to a World Bank report, the migration flows are expected to increase over the next few years as a result of more economic integration.

Table: Intra-ASEAN immigration by destination, 1995 and 2015.

Destination	1995	2015	Change (no.)	Change (%)
Brunei Darussalam	69,078	83,832	14,754	21
Cambodia	82,910	68,106	-14,804	-18
Indonesia	9,713	49,930	40,217	414
Lao PDR	17,150	14,802	-2,348	-14
Malaysia	650,611	1,539,741	889,130	137
Myanmar	0	0	-	-
Philippines	18,584	6,499	-12,085	-65
Singapore	471,607	1,321,552	849,945	180
Thailand	761,559	3,762,393	3,000,834	394
Vietnam	44,755	40,537	-4,218	-9

Note: Association of Southeast Asian Nations Not available

Reproduced by author; data from World Bank Report, Migrating to Opportunity: Overcoming Barriers to Labor Mobility in Southeast Asia, October, 2017, p. 42.

⁹ UNHCR, cited by Jay Song, "Labour migration as complementary pathways for refugees in the Asia-Pacific", Lowe Institute, <https://www.lowyinstitute.org/publications/labour-migration-complementary-pathways-refugees-asia-pacific>.

¹⁰ Ibid.

¹¹ World Bank Group, "Migrating to Opportunity: Overcoming Barriers to Labor Mobility in Southeast Asia", October 2017, pp. 42-43.

The said report states that “ASEAN migrants are often low-skilled and undocumented who are compelled to move in search of economic opportunity, mainly in the construction, plantation, and domestic services sectors”.¹² Two of ASEAN’s three migrant host countries receive significant numbers of undocumented migrants. Long borders between Thailand and Cambodia, Lao PDR and Myanmar, and between Indonesia and Malaysia make these corridors particularly vulnerable to informal migration. Migration from Cambodia, Lao PDR and Myanmar, which accounts for most of the migration to Thailand, is mostly undocumented. Using data from Thai government sources, it is roughly estimated that there were 2.7 million migrants from these three countries in Thailand in 2013, of whom 1.6 million, or 58 percent, were irregular. Through Malaysia’s 6P amnesty and legalisation programme, which ran from 2011 to 2012, between 1.3 million and 2 million undocumented immigrants were identified in Malaysia.¹³ “Undocumented migration is particularly significant for workers moving from Indonesia to Malaysia. The report suggested that only 3.6 percent of current Indonesian migrant workers in Malaysia are fully compliant with required documentation”.¹⁴ The report also notes that “undocumented Vietnamese migrants are a significant presence abroad. For Vietnamese migrants, the issue of irregular migration seems most closely related to overstay after employment permits expire”.¹⁵ The situation does not seem to have changed much since then.

ASEAN does not have a common policy on labour migration. The Association, however, has been open to the mobility of “high skilled labour”, as inspired by the ASEAN Economic Community Blueprint (AEC) to facilitate the free flows of professionals. The AEC seeks to offer ways to facilitate a “freer” flow, mainly by implementing Mutual Recognition Arrangements (MRAs) based on national and ASEAN Qualifications Frameworks, as well as facilitating temporary visa issuance. “The AEC Blueprint 2025 envisions reducing and standardising documentation requirements and improving the mutual recognition of professional qualifications”.¹⁶ The MRAs are completed by occupation; so far, they cover eight professions that involve

¹² Ibid.

¹³ Huguet (2014), quoted in the World Bank Group, *ibid.*, p. 56.

¹⁴ The World Bank Group, *ibid.*, p. 57.

¹⁵ Ibid.

¹⁶ The World Bank Group, *ibid.*, p. 120.

less than 1.5 percent of the ASEAN Labour force.¹⁷ As of March 2015, there are already eight MRAs allowing for skilled labour movement within ASEAN in the following professions: medical doctors, dentists, nurses, architects, engineers, accountants, surveyors, and tourism professionals. These MRAs do not enable eligible professionals to move perfectly freely around ASEAN as many countries have instituted a priority for their own citizens. This was reiterated by the World Bank report, which commented that the progress on implementing regional commitments related to labour mobility had been limited and that the arrangements were limited in scope as the eight professions covered accounted for only about 5 percent of employment in ASEAN countries.¹⁸ The most important barrier identified by the report was prevailing national migration procedures that allowed the ASEAN member state in question to use its own discretion to decide how many and what type of work visas to grant and whether to accept or reject an application for a visa. The Foreign Employment Act of Thailand, for example, bans migrants from working in 39 occupations, including engineering, accounting, and architecture, which are listed by mutual recognition arrangements.¹⁹ Despite the fact that the majority of workers in ASEAN are low- and semi-skilled and that the mobility of high-skilled professionals has not been progressing, the AEC still does not have any plan to facilitate their movements.

On top of the high number of migrant workers explained earlier, ASEAN has been hosting a number of refugees and asylum seekers. According to UNHCR, in 2017, the Asia and Pacific region is home to 9,465,242 people of concern to UNHCR. They include, among others, 4,153,991 refugees, 159,919 asylum seekers, 2,715,806 internally displaced persons (IDPs), 1,154,921 stateless people and 55,740 in refugee-like situations.²⁰ The majority of refugees originate from Afghanistan and Myanmar. More than two thirds of the refugee population in countries in the Asia and the Pacific were hosted in urban and semi-urban areas, a distinct feature in

¹⁷ ADB-ILO, cited by Guntur Sugiyarto and Dovelnye Rannveig Agunias, "A 'Freer' Flow of Skilled Labour within ASEAN: Aspirations, Opportunities and Challenges in 2015 and Beyond", MPI, Issue in Brief, December 2014, Issue No II.

¹⁸ The World Bank Report, *ibid.*, p. 120.

¹⁹ *Ibid.*

²⁰ UNHCR, Asia-Pacific, <http://www.unhcr.org/asia-and-the-pacific.html>.

the region.²¹ From a security perspective, not only are urban refugees themselves under constant threat of arrest and detention, they are also considered as a threat to both the host country and to their country of origin.

In 2016, Southeast Asia alone hosted a total of 2.8 million people of concern, including over 483,000 refugees, 68,000 asylum-seekers, 462,000 internally displaced people (IDPs), and over 1.4 million stateless persons. Refugees and asylum seekers found in ASEAN are concentrated in mainly three countries, namely Indonesia, Malaysia and Thailand. As of May 2018, the UNHCR in Indonesia registered 13,800 persons; 25 percent of those are children. Most of the refugees in Indonesia originated from Afghanistan (55 percent), Somalia (11 percent) and Iraq (6 percent); more than 800 are Rohingyas from Myanmar.²² "In Malaysia, as of end July 2018, there are some 159,980 refugees and asylum-seekers registered with UNHCR in Malaysia. Some 138,650 are from Myanmar, comprising some 75,520 Rohingyas, 30,140 Chins, 9,850 Myanmar Muslims, 4,020 Rakhines & Arakanese, and other ethnicities from Myanmar. There are some 21,320 refugees and asylum-seekers from other countries, including 5,790 Pakistanis, 2,890 Yemenis, 2,860 Somalis, 2,800 Syrians, 1,870 Sri Lankans, 1,670 Afghans, 1,490 Iraqis, 780 Palestinians, and others from other countries. Some 66% of refugees and asylum-seekers are men, while 34% are women. There are some 42,400 children below the age of 18."²³ Malaysia hosts one of the biggest refugee populations in the region. Unofficial estimates by refugee community groups, however, suggest that around 50,000 refugees remain unregistered. On the Rohingya population alone, UNHCR Malaysia's Representative, Richard Towle, stated in March 2017 that "without official census or accurate data, it's not possible to estimate how many unregistered persons are in need of UNHCR protection but the numbers are likely in excess of 40,000".²⁴ In Thailand, as of August 2018, the country continues to host some 99,000 refugees from Myanmar in the nine Royal Thai Government run Temporary Shelters on the Thai/

²¹ "Overview of UNHCR's operations in Asia and the Pacific", Executive Committee of the High Commissioner's Programme, Standing Committee 65th meeting, <http://www.unhcr.org/56cd75c29.pdf>.

²² UNHCR Indonesia, <http://www.unhcr.org/id/en>.

²³ UNHCR Malaysia, <http://www.unhcr.org/figures-at-a-glance-in-malaysia.html>.

²⁴ Katrina Jorene Maliamau, "Urban Refugees in Malaysia", interview with Richard Towle, unpublished report, September 2018.

Myanmar border, in addition to 7000 urban refugees and asylum seekers from over 45 countries, and 490,000 persons registered by the Royal Thai Government as stateless.²⁵

Refugees and asylum seekers found in ASEAN originated from Myanmar, Afghanistan, Pakistan, Sri Lanka, and Somalia, etc. The Rohingyas were particularly vulnerable due to restricted access to education, healthcare, and livelihoods. They are either stateless and internally displaced in Myanmar, or refugees in Bangladesh and Malaysia.²⁶ According to UNHCR's statistics, over 40 percent of the world's stateless persons currently reside in ASEAN Member States (AMS), including two of the world's three largest stateless populations.²⁷ These people are susceptible to being discriminated against, abused and exploited, and are therefore likely to migrate to other countries. One cannot ignore the more-than-3-million undocumented migrant workers working in the region, especially in Malaysia and Thailand, further adding to these numbers.²⁸

Compounding the issues of migrant workers, refugees, asylum seekers and stateless persons, AMS and ASEAN as a region are all facing serious problems of trafficking in human persons. The Asia-Pacific is by far the most affected region in the world by absolute numbers, with 30.5 million people in 2016.²⁹ Within the Asia-Pacific, the Greater-Mekong Sub-region³⁰ (GMS) has the most extensive flows of migration and trafficking in persons (TIP). 25 percent of global victims assisted by IOM came from ASEAN countries. 92 percent of 1,525 victims assisted by IOM in ASEAN were forced labour.³¹ More than 1 million Rohingyas are denied citizenship and are at high risk of human trafficking.³² "Southeast Asia remains one of the regions with the highest number of human trafficking offence.

²⁵ UNHCR Thailand, <https://www.unhcr.or.th/en/about/thailand>.

²⁶ UNHCR, "Southeast Asia-Global Focus 2016", <http://reporting.unhcr.org/node/39>.

²⁷ UNHCR, "Southeast Asia-Global Focus 2017", <http://reporting.unhcr.org/node/39?y=2017>.

²⁸ UNHCR, "Figures at a Glance", April 2016. (ii) UNHCR, "UNHCR Factsheet – Malaysia", August 2015. (iii) UNHCR, "Malaysia – Statistical Snapshot", June 2015. (iv) UNHCR, "Malaysia – 2016 Plan Summary – Filipino Refugees in Sabah".

²⁹ ASEAN Studies Program, "ASEAN Brief: Fighting for Freedom: Combatting Human Trafficking in ASEAN", Vol. 4 / Issue 4 / April 2017, http://admin.thcasean.org/assets/uploads/file/2017/06/ASEAN_Briefs_Volume_4_-_Issue_4.pdf.

³⁰ The GMS: Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.

³¹ ASEAN Studies Program, *ibid*.

³² *Ibid*.

According to the United Nations Office on Drugs and Crime (UNODC) report, Southeast Asia is generally a destination region for short, medium, and long-distance human trafficking.³³ TIP in the GMS includes “forced labor in the fishing and seafood industries, in agriculture, construction, domestic servitude or begging; as well as for sexual exploitation or forced marriage”.³⁴ This typology can be seen in the case of Cambodia, in which male Cambodian migrants are trafficked mostly to Thailand for the fishing industry, and Cambodian females to Malaysia as domestic workers and to China for forced marriages.

It is crucial to note that the issue of bride trafficking has become very pressing in the region. Faced with a mostly male gender imbalance, countries such as China, Korea, and Taiwan are increasingly seeking to import brides from ASEAN countries. According to the study by Fang, there could be around 30 million bachelors in China by 2020.³⁵ In effect, many young women in countries such as Cambodia, Lao PDR, Myanmar and Vietnam have become vulnerable to being trafficked to China for forced marriage. Since the nature of migration itself involves transnational problems related to migration, these can easily spill over to other countries. Where a state lacks a legal framework covering migration, this can affect the overall migration situation in the region.

How has ASEAN been dealing with labour migration? The World Bank report further states that “overall, migration procedures across ASEAN remain restrictive. Barriers such as costly and lengthy recruitment processes, restrictive quotas on the number of foreign workers allowed in a country, and rigid employment policies constrain workers’ employment options and impact their welfare”.³⁶ While the report affirms the positive contributions that intra-regional migration brings to ASEAN, it also reiterates the fact that it is often under-utilised and under-appreciated. “It is a blind spot in ASEAN’s vision, which has chosen to free up the movement of capital and investments while glossing over the issue of migrant labour in its midst. Many ASEAN states prefer to deal with labour migration bi-

³³ Ibid.

³⁴ Sriprapha Petcharamesree and Napisa Waitoolkit, “Crisis Management in the ASEAN + 3 countries, Migration: In Search for Proper Management”, Paper prepared for NEAT Meeting, April 2016, unpublished.

³⁵ Ibid.

³⁶ The World Bank Group, *ibid.*, p. 57.

laterally, finding the issue too sensitive for domestic constituencies. Many destination countries see the economic benefit they get, but are much less willing to afford social and rights protection to foreign migrant workers".³⁷ Undocumented migration has a higher likelihood of being grafted onto state security agendas. The human security of migrants has not been secured.

As for refugees and asylum seekers, only Cambodia and the Philippines have ratified the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. With almost 3 million people of concern, the region has yet to put in place a regional agreement and processes to protect their rights. Additionally, being labelled as "illegal migrants" and the lack of a national legal framework in most ASEAN countries have subjected refugees and asylum seekers to detention, expulsion, refoulement, and other protection risks. With less than 1 percent of refugees worldwide being resettled each year, they have an extremely small chance of resettlement. The three countries which see themselves and are seen by most asylum seekers and refugees as "transit" locations may inevitably become permanent stays for those refugees when the wait becomes indefinite. Evidence is shown in the case of Indonesia, where just 322 refugees have departed for resettlement in a third country as of July 2017.³⁸ In fact, most refugees in the region will never be resettled. No national or regional solutions are on the horizon.

Migration is a "Not for Discussion" Issue in ASEAN

The issue of migration is not new to ASEAN. Decades ago, migrants were brought into various countries in the region, especially from China, India and neighbouring countries. Before WWII, the notion of the sovereign nation state was weak and borders not as restricted. When it comes to refugees and asylum seekers, the world still recalls the influx of refugees from Indochina in the 1970s and early 1980s, following the last declared conventional war in the ASEAN region. Ongoing armed conflicts occurring within some AMS are not officially considered to be conflicts and it

³⁷ Johanna Son, "ASEAN can't leave unskilled migrants out of integration – report", VERA Files, 11 October 2017, <http://verafiles.org/articles/asean-cant-leave-unskilled-migrants-out-integration-report>.

³⁸ Jewel Topfield, *The Sydney Morning Herald*, <https://www.smh.com.au/world/most-refugees-in-indonesia-will-never-be-resettled-un-refugee-agency-20171031-gzbzhn.html>.

is, therefore, considered too controversial and problematic for ASEAN to recognise as refugees those forced to migrate as a result.³⁹ The issues of forced migration and refugee and refugee-like situations have never been placed on the agendas of ASEAN high-level discussions. Even on a humanitarian basis such as the Rohingya movements, ASEAN could not find a common approach to address the issues.

The Vision 2025 of ASEAN was “to consolidate our Community, building upon and deepening the integration process to realise a rules-based, people-oriented, people-centred ASEAN Community, where our peoples enjoy human rights and fundamental freedoms, higher quality of life and the benefits of community building”.⁴⁰ Nevertheless, a careful examination of the ASEAN community blueprint suggests that human beings are perceived differently in different communities. Under the Political and Security Community Blueprint, human beings are treated under the rubric of “non-traditional security issues”, which, in the context of migration, is through the lens of trafficking in persons and people smuggling. In the ASEAN Economic Community Blueprint, human beings are perceived from a human capital aspect. It emphasises skilled labour and business visitors mobility. The AEC seeks to offer ways to facilitate a “freer” flow, mainly by implementing Mutual Recognition Arrangements (MRAs) based on national and ASEAN Qualifications Frameworks. Although implementation remains problematic, it is clear that professionals are encouraged to migrate. In the ASEAN Socio-Cultural Community Blueprint, humans are seen from the vulnerability perspective. These groups include women, children, youths, the elderly/older persons, persons with disabilities, *migrant workers*, and vulnerable and marginalised groups. They are vulnerable and in need of protection. ASEAN established different frameworks for different groups. The three Blueprints are, thus, not quite connected.

On migrant workers, ASEAN has, since 2007, two documents, namely the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007) and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers adopted in November 2017. The Declaration, in a way, articulated a more rights-based approach to

³⁹ Sriprapha Petcharamesree, 2015, “ASEAN and its approach to forced migration issues”, *The International Journal of Human Rights*, 20(2), pp. 173-190.

⁴⁰ ASEAN Secretariat, “ASEAN 2025: Forging Ahead Together”, <http://www.mfa.go.th/asean/contents/files/asean-media-center-20160203-160850-836205.pdf>, p. 17.

migration. However, this approach was immediately countered by the Member States recognising “the sovereignty of states in determining their own migration policy relating to migrant workers, including determining entry into their territory and under which conditions migrant workers may remain.” This particular preamble weakens the whole Declaration as it curtails any possibility of regional approach to migration and migrant workers. Each state has full authority to deal with migrant workers in spite of the regional recognition of the need to address cases of abuse and violation. The Preamble was further weakened by the general principles, which essentially say that the treatment of migrant workers will be in accordance with the laws, regulations, and policies of respective ASEAN member countries. Moreover, the Declaration is not to be interpreted as “implying the regularisation of the situation of migrant workers who are undocumented.” The Declaration does not provide any provisions for the protection of irregular migrant workers, who account for more than half of the migrant population working in countries other than their own. Moreover, the Declaration does not include provisions for family members of migrant workers.

The newly adopted document, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, although not a legally binding document as envisaged 10 years ago, uses very strong human rights language. It sees the need to address cases of abuses and violence against migrant workers, including the prescription of obligations of the sending and receiving states. It also includes members of families. However, the Consensus retains some elements enshrined by the 2007 ASEAN Declaration regarding member states’ sovereignty and right of determining their own migration policies relating to treatment of migrant workers. The Consensus covers documented migrant workers and those who become undocumented through no fault of their own though. It also acknowledges “the legitimate concerns of the Receiving and Sending States over migrant workers, as well as the need to adopt appropriate and comprehensive migration policies on migrant workers within their jurisdiction, including those related to labour intermediaries”.⁴¹ In brief, AMS seem rather progressive in their pronouncement, but still could not agree on a regional legally binding instrument. Both documents do not provide for a ASEAN common regional standard for the protection of the rights of migrant workers and their families.

⁴¹ Ibid.

Nevertheless, ASEAN was able to agree and adopt in November 2015, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).⁴² ACTIP has produced several positive aspects regarding TIP. First, it has gotten all ASEAN members to recognise the significance of TIP issues and their ramifications. Second, it is the first time that ASEAN has addressed the issue through a regional legal framework. Third, the Convention directly addresses the issues related to trafficking in persons per se. Fourth, it offers a clear definition of a minor: “Child means any person under 18” (Article 2[d]). This can easily help prevent cases of child trafficking in the future. However, the Convention has some loopholes. These loopholes include the absence of a proper enforcement mechanism and the prioritisation of national sovereignty over regional concerns. These points can be seen in Article 4 of the Convention.⁴³ In effect, the ACTIP could be rendered ineffective and might not have any influence on TIP as long as the domestic laws of a given country authorise the officials of that country to handle or resolve a given case unilaterally.

As can be seen from what was discussed earlier, ASEAN does not have a policy nor a clear agenda on migration in general except the ASEAN Mutual Recognition Agreements and a few other Declarations. In spite of the existence of the ASEAN Declaration on the Protection of the Rights of Migrant Workers and the ASEAN Consensus, violations of migrants’ rights and abuses are continuing. The most established framework in ASEAN is for trafficking in persons. Discussions on refugees and asylum seekers as well as statelessness are almost inexistent. Any discussions thus far have been organised in an informal setting and behind closed doors. The reasons for this include:

- Any policies adopted by recipient states that are seen as welcoming of irregular migrants will encourage such flows, strengthen people smuggling and trafficking networks and further burden national systems;

⁴² Entered into force in March 2017.

⁴³ Article 4: Protection of Sovereignty

1. The Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention entitles a Party to undertake in the territory of another Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its domestic laws.

- It is not in the interests of states that are not party to the 1951 Refugee Convention and its 1967 Protocol to assume internationally binding legal responsibilities for irregular people movements;
- Governments recognise that irregular migrants are highly vulnerable to exploitation and can benefit their economies but wish to retain discretion as to if and when to remove them;
- In certain cases, institutional linkages form between government officials and vested groups, such as private companies or even human smugglers/traffickers; Irregular migration can be a political and social liability to governments of the day.⁴⁴

But, keeping issues of migration quiet, especially forced ones, is becoming untenable, especially with highly publicised incidents such as the case of the Rohingyas and many other cases of exploitation of migrant workers and trafficking. Not only is policy silence possibly harmful from a national security perspective as millions of people are invisible but their invisibility is also putting those migrants in a (human) insecurity situation. Irregular migrants are increasingly perceived as a possible source of insecurity by states. Insecurity that ensue from exploitation and hardship is neither healthy for individuals nor the society and the region as a whole.

Stakeholder Analysis

There is no holistic regional approach or policy on migration; so, it is difficult to identify clear actors within ASEAN due to the compartmentalisation of migration issues through different communities. The previous section pointed out that human beings were treated as separate entities: as victims of trafficking, as human capital and as vulnerable persons in need of protection depending on which community they were included in. The missing discussions of issues of some groups such as refugees and asylum seekers must be reiterated here. However, based on existing regional frameworks outlined earlier, the stakeholders studied here focus mainly on ASEAN institutions and the US State Department.

⁴⁴ Steven C. M. Wong, Power Point presentation, NEAT Working Group on Migration, "Forced Migration: The 'Not-So Silent' Crisis", Bangkok, 10 June 2016.

ASEAN sectoral bodies

ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)

In order to follow up on the implementation of the Declaration, ASEAN established the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) in 2007. It was tasked to conduct an annual ASEAN forum on migrant workers, develop an ASEAN instrument on migrant workers' rights, prepare pre-departure information for ASEAN migrant workers, collaborate with relevant international organisations on "Safe Migration" campaigns and pre-departure literature, and strengthen the dialogue between the ACMW and those working on human smuggling and trafficking. The ACMW has been making very slow progress in fulfilling its mandates due to the sensitivity of the issue and the lack of consensus among members. Indeed, the differences in attitude, policies, and laws regarding migrant workers and their rights make it difficult for the ACMW to come up with a draft instrument. However, with the pushes of the Philippines for such an instrument to mark the 10th year of the Cebu Declaration and the 50th year of sharing and caring ASEAN Community, ASEAN has finally concluded and adopted, in November 2017, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. On top of the ASEAN Consensus, the ACMW has adopted the Work Plan 2016-2020, with functions to contribute to the ASCC Blueprint 2025's strategic measures (B.3.ix), and to enhance regional initiatives in accordance with the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in order to improve the protection and promotion of the rights of workers and governing mechanisms of labour mobility. What is missing, still, is serious discussions on the regularisation of irregular migrants as it is deemed a sensitive issue. It is hoped, though, that the visit of ACMW to the European Union (EU) in May 2017, in which members of the Committee discussed a wide range of issues, including labour mobility governance, advocacy on undocumented migrants and responses to trafficking in persons, has informed ASEAN for a meaningful discussion of the issues within ASEAN in a more transparent and participatory manner.

The ASEAN Labour Ministers and the Senior Labour Officials Meetings (SLOM)

The overall policies and work plan on workers (and migrant workers) are overseen by the ASEAN Labour Ministers and the Senior Labour Officials Meetings (SLOM). The ASEAN Labour Ministers' Work Program 2016-2020 and Work Plans of the Subsidiary Bodies were adopted in 2016. The Work Plan is based on the ASCC Vision 2025's five objectives, with the overall objective of a better quality of life for ASEAN people through the promotion of a workforce with enhanced competitiveness and engaged in safe and decent work derived from productive employment, harmonious and progressive workplaces, and adequate social protection. It covers four thematic targets, namely skilled and adaptable workforce; productive employment; harmonious, safe and progressive workplaces; and extended social protection.⁴⁵ Some thematic areas identified by the Work Plan could be contributing directly or indirectly to the protection of the rights of workers, such as gender equality, a labour dimension of sustainable development, functional social protection, and emerging labour trends including Corporate Social Responsibility and the impacts of Information and Communications Technology (ICT). Although the plan could be beneficial for workers, it seems to focus on skilled professionals and those in a regular situation.

ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and the Ministerial Meeting on Transnational Crime (AMMTC)

The Senior Officials Meeting on Transnational Crime (SOMTC) was formed by the 1999 ASEAN Plan of Action to Combat Transnational Crime (1999 Plan of Action), a follow-up to the 1997 Declaration. It is convened annually and headed by the AMMTC chair, which can also ensure that the issue is put on the agenda and discussed continuously. The AMMTC serves as the primary vehicle to coordinate regional actions and continue the discussion of the issue by having the ASEAN ministers meet at least once every two years. The two forums are tasked to review the fight against transnational crimes in such fields as terrorism, *the trafficking* of drugs, weapons, *humans*, wild animals and wood, *illegal migration*, money laundering, piracy,

⁴⁵ ASEAN Secretariat, https://asean.org/storage/2012/05/UPDATED_ASEAN-Labour-Ministers-Work-Programme-2016-2020-and-Work-Plans-of-the-Subsidiary-Bodies.pdf.

economic and high-tech crimes including cyber crimes. An ad hoc working group on trafficking in persons was established in 2006 by SOMTC to oversee the execution of the anti-trafficking agenda.⁴⁶ The two entities are dealing with the eight categories of transnational crime, including trafficking in persons and illegal migration. As their names suggest, the focus of the AMMTC and SOMTC is on transnational crimes, which means that the irregular movement of people is seen from a criminal perspective, and, therefore, as a threat to regional security, and not from a human security perspective.

INTERPOL and ASEAN Chiefs of National Police (ASEANAPOL)

ASEANAPOL is an INTERPOL chapter within ASEAN. INTERPOL is considered the largest international police organisation in the world, with 194 members and the vision of “connecting police for a safer world”. Its mission is “[p]reventing and fighting crime through enhanced cooperation and innovation on police and security matters”.⁴⁷ INTERPOL and ASEAN have long been cooperating with each other. One of the programmes being funded by the EU is the EU-ASEAN Migration and Border Management Programme II, concluded in 2015. Speaking at the latest Integrated Border Management Operational Training course held in August 2017, Michael Pulch⁴⁸ pointed out: “We are living in a more connected world and unfortunately this means we have to deal with the darker side of larger connectivity. That is why this border management training is so important. It enables peer-to-peer discussions and knowledge sharing among law enforcement officers from ASEAN member states, which is crucial for international security cooperation.”⁴⁹ The course “sought to build the capacity of countries in the region to address border management issues tied to illicit immigration, human trafficking and people smuggling”.⁵⁰ For INTERPOL, connectivity and

⁴⁶ Jadice Lau, “Voluntarism and Regional Integration: ASEAN’s 20 Years of Cooperation on Human Trafficking”, <http://web.isanet.org/Web/Conferences/HKU2017-s/Archive/d57a081e-85d6-4480-904f-9bed35cfca21.pdf>.

⁴⁷ INTERPOL, <https://www.interpol.int/About-INTERPOL/Overview>.

⁴⁸ EU Ambassador to Singapore.

⁴⁹ INTERPOL, “INTERPOL operational training aims to boost ASEAN border security”, <https://www.facebook.com/notes/interpol-hq/interpol-operational-training-aims-to-boost-asean-border-security/1796048953753692/>.

⁵⁰ Ibid.

more integration presents both opportunities as well as challenges and risks “such as human trafficking and other forms of transnational organised crime and terrorism.”⁵¹ According to INTERPOL, it is, therefore, crucial to forge “a close cooperative approach among countries by putting a great deal of effort in securing our borders and fighting transnational crime”.⁵² Migration, especially irregular migration, is seen by INTERPOL as a serious threat to the security of the region.

Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)

COMMIT is a forum undertaken by the governments of Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam since 2004. It is designed to formulate and implement strategies addressing human trafficking from a regional perspective. The process is through high-level policy dialogue and by linking regional response through individual national plans of action. The main aim is to combat trafficking in human persons by focusing on policy, prevention, protection and prosecution. COMMIT has been serving as a platform for policy and operational discussions but not without challenges, considering the way in which relevant laws in different countries were written as well as the notion of territorial principles upheld by member states. This is another multilateral forum in the Mekong sub-region. Trafficking, in fact, is not confined to the sub-region only as other member states of ASEAN are also considered as destinations or origins of trafficking. Nevertheless, COMMIT could cooperate with SOMTC on trafficking issues.

ASEAN Regional Forum (ARF)

Established in 1994, ARF is one of the main platforms for dialogue and consultation among the 27 participants on geo-strategic, political and security affairs. It deals with various issues considered crucial to political and security matters, such as disaster relief, non-proliferation and disarmament, peacekeeping, counter-terrorism and transnational crime, maritime security, and preventive diplomacy. Issues regarding people smuggling and trafficking are framed under transnational crime. In April 2017, for the

⁵¹ Ibid.

⁵² Ibid.

first time, ARF organised the first-ever ASEAN Regional Forum Meeting on Trafficking in Persons. The ARF Statement on Cooperative counter-terrorist action on border security outlined its efforts to, among others,

- strengthen cooperation in sharing of intelligence in order to effectively deal with terrorism and transnational crimes such as illicit arms trafficking, drug trafficking and human and cargo smuggling;
- ensure that the free flow of people and goods across borders is secure and not subject to exploitation by terrorists, drug traffickers, arms smugglers, people smugglers and other criminals.⁵³

Regarding the movement of people, ARF focuses on sharing of passenger information, minimum standards for the issuance of travel and identity documents and data sharing on individuals of terrorist and transnational criminal concern.⁵⁴ ARF regards people movement from purely security and transnational crimes perspectives.

The ASEAN Intergovernmental Commission on Human Rights (AICHR)

The AICHR was established in October 2009. Article 4 of the Terms of Reference (TOR) of the AICHR prescribes for 14 mandates and functions which the AICHR has to perform. The 14 mandates and functions of the AICHR tend to focus more on the promotional mandate of the body, except for a few which could be translated into protection functions. It does not have an explicit mandate to monitor, receive complaints or investigate any cases of human rights violations in the region. Article 4.10 of the TOR mandated the AICHR “to obtain information from ASEAN Member States on the promotion and protection of human rights.”⁵⁵ If used innovatively, the AICHR could seek information about situations of human rights abuse cases from the AMS and try to address them. Article 4.12 of the TOR mandates the AICHR “to prepare studies on thematic issues of human rights in ASEAN.” In fact, the AICHR has identified a number of thematic issues for

⁵³ ASEAN, “ARF Statement on Cooperative counter-terrorist action on border security”, http://asean.org/?static_post=asean-regional-forum-arf-statement-on-cooperative-counter-terrorist-action-on-border-security-2.

⁵⁴ Ibid.

⁵⁵ AICHR TOR.

study, including migration and trafficking in person (particularly women and children). The thematic study on migration began in 2010, but has not been completed yet, whilst there is no initiative to conduct a study on issues regarding refugees and asylum seekers. AICHR has organised workshops and seminars on issues relevant to trafficking in persons. The institution has been constrained by a number of factors, especially lack of political will and capacity as well as ASEAN's working principles of non-interference in internal affairs and decision-making by consensus. This is one of the reasons why the open-ended mandate⁵⁶ that gives power to the AMM to assign the AICHR to deal with human rights issues if they so wish has never been used thus far.

The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)

ACWC was established in 2010. Like the AICHR, the ACWC is an intergovernmental and consultative body as clearly stated in Article 4 of the TOR. The ACWC is composed of 20 representatives, two from each AMS – one is a representative on women's rights, the other on children's rights. The TOR of the ACWC provides for sixteen mandates and functions to be performed. As a specialised body, it covers, in principle, both the promotion and protection of the rights of women and children. Like AICHR, most of the mandates and functions specified in the TOR focus more on the promotional part of the mandate and does not provide for any explicit mandate to receive and investigate complaints or petitions of human rights violations against women and children. So far, the ACWC has produced a number of publications, which include, among others, "Gender Sensitive Guidelines for Handling Women Victims of Trafficking in Persons".

US State Department – TIP Report

Every year, the US State Department issues the annual Trafficking in Persons Report (TIP Report), which not only publishes the trafficking situation in different countries, including AMS, but also places the countries

⁵⁶ TOR 4.14: "any other tasks as may be assigned to it by the ASEAN Foreign Ministers Meeting". TOR of AICHR.

in different tiers.⁵⁷ The TIP Report has been used as a tool for the State Department to “shed light on the darkness where modern slavery thrives and to highlight specific steps each government can take to protect victims of human trafficking, prevent trafficking crimes, and prosecute traffickers in the United States and around the world”.⁵⁸ The report also aims to help inform policymakers, law enforcement, and civil society on gaps and areas of concern.⁵⁹ According to the 2018 TIP report, Lao PDR and Myanmar were downgraded to Tier 3 while Thailand was upgraded to Tier 2. Malaysia was downgraded to the Tier 2 Watch List. Only the Philippines has remained in Tier 1 since 2016.⁶⁰ The TIP Report always creates strong reactions from countries, especially when they are placed in the Tier 2 Watch List and Tier 3. The report emphasises the security of victims of trafficking and persecution .

Civil society groups

“Civil society provides a crucial link between governments and the communities they represent – infusing policy processes with grassroots knowledge to which governments may not otherwise have access”.⁶¹ Civil

⁵⁷ Tier 1 Countries are countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA's) minimum standards.

Tier 2 Countries are countries whose governments do not fully comply with TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List Countries are countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Tier 3 Countries are countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

⁵⁸ US State Department, “Trafficking in Persons Report”, June 2018, <https://www.state.gov/documents/organization/282798.pdf>.

⁵⁹ Ibid.

⁶⁰ US State Department, “Tier Placements and Regional Maps”, June 2018, <https://www.state.gov/j/tip/rls/tiprpt/2018/282584.htm>.

⁶¹ Natalia Banulescu-Bogdan, MPI, “The Role of Civil Society in EU Migration Policy: Perspectives on the European Union's Engagement in its Neighborhood”, <https://www.migrationpolicy.org/research/role-civil-society-eu-migration-policy>.

society actors engage in migration-related policy making in a variety of different ways. At one end of the spectrum are operational groups that provide services directly to migrants. At the other end are groups that lend their voices to the design and formulation of public policies that affect migrants. Civil society organisations (CSOs) working on migration are categorised into five types: service provision, advocacy, policy formulation, implementation and monitoring.⁶² An umbrella group such as APRRN, which is a member-based organisation operating in the Asia-Pacific with a focus on refugees and asylum seekers, could be one of the strategic partners in migration.

Bali Process

Another forum that all ten AMS are part of that could deal with issues of migration (irregular) is the Bali Process. Established in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is a voluntary and non-binding regional consultative process co-chaired by the governments of Australia and Indonesia, comprising over 45 member countries and organisations, with some observer countries and organisations.⁶³ The process was born after a series of high-profile cases of people smuggling (which involved asylum seekers) in the waters between Australia and Indonesia happened in 2000 and 2001. One of its aims is to promote adherence to the UN Convention against Transnational Organised Crime (Organised Crime Convention) and two of its supplementary protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It does not directly promote principles under the 1951 Refugee Convention and its Protocol.

The process was reactivated in 2009, when Australia experienced increases in the number of asylum seekers given the conflict in the Middle East and other places in Southeast Asia. Unfortunately, the discourse has become increasingly securitised and focused on transnational crime and restrictions for asylum seekers.⁶⁴ The framing of the Process is related to trafficking and human smuggling, not to refugee protection or asylum.

⁶² Ibid.

⁶³ Regional Support Office to the Bali Process, 2014.

⁶⁴ Kneebone, Susan, *The Bali Process and Global Refugee Policy in the Asia-Pacific Region*, *Journal of Refugee Studies*, Volume 27, Issue 4, 1 December 2014, Pages 596–618..

This is despite the fact that asylum and refugee movements are at the nexus of trafficking and human smuggling concerns and that the region remains home to the oldest and biggest refugee populations. A possible repercussion of this approach is the continued fragmentation of the issues between dichotomies of people smuggling-trafficking and asylum. Hence, on forced migration, the Bali Process could have been useful if it had been properly used and the forced migration issues were not conflated with smuggling and trafficking.

There are many other actors involved in issues of migration, especially UN agencies such as UNHCR, UNODC, IOM, OHCHR and other specialised agencies, such as UNICEF, etc. However, the connectivity agenda lies pretty much with ASEAN and its member states, which tend to prefer bilateral arrangements rather than push for a regional policy or solutions. Institutional connectivity as a part of the grand ASEAN connectivity project may not be working well due to prevailing national arrangements. This, in many ways, hinders full people connectivity and waters down the common ASEAN aspiration by emphasising “each ASEAN Member State’s national legislation, policies and programmes” and the principle of “the sovereignty of states in determining their own migration policy”. All stakeholders are performing within the confines of “national interest”.

There were high expectations that the ASEAN Intergovernmental Commission on Human Rights, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children as well as the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection of the Rights of Migrant Workers would be dealing with the plight and rights of all migrants regardless of their status but until now they are not in a position to monitor the human rights situation. Many regional frameworks, binding or non-binding, could have served as a regional standard to respond to issues of mixed migration if they were not subject to national legislations. What is also problematic in ASEAN about migration is the fact that ASEAN, although connected, does not have any common approach.

Conclusions and Recommendations: ASEAN Connectivity and Security Notion

ASEAN Connectivity as outlined in the Master Plan on ASEAN Connectivity 2010 (MPAC)⁶⁵ emphasised three dimensions, namely, “(i) improve physical connectivity by enhancing air, land and maritime transport, information and communications technology, and energy infrastructure development; (ii) strengthen institutional connectivity by developing effective institutions and mechanisms to facilitate movement of trade, investments and services, and managing cross border procedures; and (iii) enhance people-to-people connectivity by empowering peoples through education, culture and tourism”⁶⁶. The new Master Plan on ASEAN Connectivity 2025 was adopted by the ASEAN leaders in September 2016 in Vientiane with the vision to “achieve a seamlessly and comprehensively connected and integrated ASEAN that will promote competitiveness, inclusiveness, and a greater sense of Community”.⁶⁷ The Plan focused on five (strategic) areas, namely, “sustainable infrastructure, digital innovation, seamless logistics, regulatory excellence and people mobility”.⁶⁸ As expected, the MPAC 2025 is there to facilitate the free movement of goods, services and capital but nothing is clearly stated about facilitating the free movement of people.

As seen in the study, facilitation of people movements focuses mainly on tourists, skilled professionals and students. For the rest, restrictions are the norm. Migrant workers, refugees, asylum seekers, and victims of trafficking have been labelled as security threat issues. By “labelling an issue a security threat, it has significant implications in term of laws, norms, policies and procedures”.⁶⁹ In the migration context, the label has been used to justify harsh and restrictive policies, greater surveillance and deportation.⁷⁰ These policies impact the migrants, resulting in the inability of asylum seekers to access safe countries, migrants smuggling and

⁶⁵ ASEAN Secretariat, “Assessment of the Implementation of the Master Plan on ASEAN Connectivity 2010”, Jakarta, 2017, <http://asean.org/storage/2017/08/8.-July-2017-MPAC-2010.pdf>.

⁶⁶ *Ibid.*, p. 1.

⁶⁷ ASEAN Secretariat, “Master Plan on ASEAN Connectivity 2025”, Jakarta, 2016, <http://asean.org/storage/2016/09/Master-Plan-on-ASEAN-Connectivity-20251.pdf>.

⁶⁸ *Ibid.*, pp. 9-10.

⁶⁹ Khalid Koser, “When is Migration a Security issue?”, Brookings, 31 March 2011, <https://www.brookings.edu/opinions/when-is-migration-a-security-issue/>.

⁷⁰ *Ibid.*

human trafficking, and unsafe passages, and contributing to growing anti-migrants tendencies. Such responses in turn can drive more migrants into the arms of migrant smugglers and human traffickers and contribute to a growing anti-immigrant tendency among the public, within the media, and in political debates in many countries.⁷¹ They also result in a gap between the protection that migrants formally enjoy under international law and the realities they experience as they travel and work across different countries. Consequently, one also has to note emerging differences between the interests of migrants and the states trying to control their movements and entry and also the interests of governments and NGOs and civil societies in these countries. This situation is, in no case, conducive to security connectivity, which requires the nexus between national security and human security.

The paper examined how human movements in the region have come to be treated as security issues and how the securitisation framework impacts security connectivity, which, currently, is narrowly defined by ASEAN to cover mainly human trafficking and people smuggling links to transnational organised crime. ASEAN physical connectivity facilitates greater regional economic integration in terms of tourism, trade, investment and cultural exchanges. Unfortunately, it perceives migration, irregular migration especially, as a threat to national and regional security. This perception generates increasing border control rather than an open border policy. This practice is in contrast to the policy of free and unrestricted movement of people, goods, services and capital adopted by the EU. It may be time for ASEAN to make border security a collective responsibility and to come up with a common regional approach to migration.

That is to say, there is a real need for proper policies aimed at migration management and border management; innovative broad policies aimed at, on the one hand, toning down the aggressive national security vision and, on the other hand, to work towards protecting the human rights and human security of migrants. They must go hand in hand with policies targeting the security challenges to ASEAN linked to irregular migration. ASEAN need to tackle the root causes of irregular migration in their development agenda. Clearly, for ASEAN much work lies ahead in crafting an appropriate common migration and border management policy. But the first step will be to acknowledge that the human security of migrants and the security of

⁷¹ Ibid.

states go hand in hand. Khalid Koser, an expert on migration issues, asked a very important question: “whether viewing the current migration crisis through a security lens is likely to promote the most effective responses”.⁷² For him, the migration issue is more accurately considered a humanitarian crisis, comprising migrants in need of assistance and refugees in need of protection. The threat to human security is still far more real than any threat to national security. Human security has to be included in regional security connectivity to ensure that all “ASEAN peoples” are connected and secured.

Recommendations

Essentially, ASEAN needs a collective, coordinated regional response to challenges associated with both sudden and ongoing episodes of displacement regardless of causes and status of migrants. ASEAN is recommended to include the issue of migration in their formal meeting agendas to discuss regional solutions to regional issues. This could be done through existing regional mechanisms such as AICHR, SOMTC or AMM as platforms and using existing regional frameworks such as AHRD, ACTIP and/or the ASEAN Charter as regional references.

Specifically, ASEAN is recommended to:

- actively and seriously engage in a discussion on migration at regional forums using the Bali Process.
- adopt comprehensive and appropriate legal frameworks which combine preventive, protective, and prosecutorial measures in tackling the issues of irregular migration.
- make full use of existing structures outlined above as well as forums like the Bali Process. Utilising existing frameworks and mechanisms will ensure that, generally, countries will be in a (much) better situation to broker more predictable and effective responses, and take preventative action.
- develop closer cooperation between source countries and the countries of transit/destination to enable legal and voluntary take-backs of those that do not qualify for refugee status.

⁷² Ibid.

Apart from bilateral government-to-government protocols, this should be accompanied by social development projects in source countries, possibly with ASEAN Plus assistance. It is also important that countries that are facing a labour shortage, such as Brunei, Malaysia and Thailand, consider offering work rights to those that have acquired refugee status.

- put in place a system of registration which would be clearly advantageous from a national security point of view. A regional data centre should be considered and exchange of information should be strengthened.
- make efficient use of existing bodies in ASEAN, such as AICHR, to create a regional monitoring and protection mechanism on migration. This multilateral mechanism also has to respond to regional crises and seek regional solutions.
- convene a Forum for Policy Dialogue between Track II and ASEAN leaders in order to come up with concrete recommendations.

Water Resource Security in Mainland Southeast Asia: Challenges and Solutions

Dr. Vannarith Chheang

Introduction

Resource security, particularly water resource security, is a critical source of sustained economic growth. However, the risk of water-related conflicts is aggravated and competition for access to water resources is exacerbated by rapid population growth, urbanisation, industrialisation, intensive agriculture development, energy demand and climate change. The United Nations forecasts that by 2050, three out of four people around the globe could be affected by water scarcity and water-related issues are most acute in Asia.¹ As the economic and strategic value of water increases, so does competition to get access to this scarce resource. Water resource security, which involves the sustainable use and protection of water systems, the protection against floods and droughts, the sustainable development of water resources, and the safeguarding of access to water functions and services for humans and the environment, increasingly matter to regional security in mainland Southeast Asia.²

The Mekong River, running across six countries, provides critical resources sustaining the livelihoods and food security of more than 70 million Chinese, Burmese, Laotians, Thais, Cambodians, and Vietnamese. However, the mismanagement of this transboundary water resource and other related resources has been a source of tensions and conflicts

¹ Asia Society (2009), "Asia's next challenge: Securing the region's water future", <https://asiasociety.org/files/pdf/WaterSecurityReport.pdf>.

² Council for Security Cooperation in Asia Pacific (CSCAP) (2014), "Enhancing Water Security in the Asia Pacific", CSCAP Memorandum No. 23, January 2014.

between the riparian countries. Various mechanisms have been established to provide solutions for the fair and sustainable development of the Mekong River; however, there are still some gaps, such as institutional gap, knowledge gap, and implementation gap, which need to be addressed.

The management of the Mekong River Basin matters for ASEAN community building, particularly in narrowing the regional development gap, as it involves the four less developed economies of ASEAN (Cambodia, Laos, Myanmar, and Vietnam), and is a critical regional security issue. This chapter aims to shed light on the importance of the Mekong River Basin, explain the issues and challenges of resources management, analyse key stakeholders, and suggest relevant policy recommendations to offset the impacts of unsustainable development of the Mekong River Basin and prevent resource conflicts.

1. Background

Originating in the Chinese Tibetan plateau, the Mekong River crosses the boundaries of five other riparian states – Myanmar, Thailand, Laos, Cambodia, and Vietnam. With a unique ecosystem and the world's largest inland fishery, the Mekong River plays a vital role in sustaining the livelihoods of more than 60 million people. Tonle Sap Lake in Cambodia, for example, is the world's largest freshwater fishery. In the Mekong region, competition to get access to and optimise the use of the common river is accelerating. Four of the six countries sharing the Mekong River (Cambodia, Laos, Myanmar and Vietnam) agreed to establish the Mekong River Commission (MRC) in 1995 to manage this transboundary water resource in a sustainable and fair manner. However, national sovereignty remains a challenge for this inter-governmental organisation in relation to agreeing on any binding policy or principle to guide the management of the river.

The increasing need for energy and economic revenues is driving riparian countries to pursue policies that threaten regional food security and stability.³ The race to build hydropower dams has colossal impacts on ecology, the fishery sector, sediment flows, and food security. Eleven dam projects on the main stem of the river have been planned and another 77

³ Stimson Center, "Mekong Policy Project", <https://www.stimson.org/programs/mekong-policy-project#smooth-scroll-top>.

dams are planned in the Basin for 2030. However, it is widely acknowledged that “poorly coordinated hydropower planning on the Mekong mainstream and its tributaries will lead this resource rich region into a water and food security crisis”⁴.

Dams affect fish stock and trap the nutrient-rich sediments that flow downstream – these events are threatening the economic productivity of the downstream countries. For instance, the ecosystem of Tonle Sap Lake in Cambodia, the main fish nursery, is being threatened by hydropower dam projects, overfishing and climate change. Hydropower projects create fish migration barriers and upset regional fish productivity, hydrologic regime and water quality.⁵ Studies have found that basic food security is at high risk of disruption if the planned hydropower dam projects along the mainstream river are realised.⁶ William and Pearce-Smith argue, “Food and economic security of the majority of the local population is inextricably intertwined with the integrity of the natural environment. Therefore, continued hydropower development will have a devastating impact on the livelihoods of millions of the basin’s inhabitants.”⁷

2. Issues and Challenges

The main challenges facing the management of water resources in the Mekong River Basin stem from population growth, rapid development and industrialisation, increasing need for water, food and energy security, unsustainable use of water resources, and climate change. The Mekong countries are significantly vulnerable to climate change. Rising temperatures, unpredictable rainfall and extreme weather events, such as typhoons, are increasing in frequency, leading to droughts and floods.

⁴ Stimson Center, “Powering Mekong Basin Connect”, <https://www.stimson.org/content/powering-mekong-basin-connect>.

⁵ Lin, Zihan and Qi, Jiaguo (2017), “Hydro-dam - A nature-based solution or an ecological problem: The fate of Tonle Sap Lake”, *Environmental Research*, Volume 158, pp. 24-32.

⁶ Orr, S., Pittock, J., Chapagain, A., Dumaresq, D. (2012), “Dams on the Mekong River: Lost fish protein and the implications for land and water resources”, *Global Environmental Change*, Volume 22, Issue 4, pp. 925-932.

⁷ William, S. and Pearce-Smith, D. (2012), “The impact of continued Mekong Basin hydropower development on local livelihoods”, *Consilience: the Journal of Sustainable Development*, Volume 7, Issue 1, p. 73.

Water resource security is intertwined with other security issues such as food security and energy security. Energy demand leads to the development of hydropower dams. But we can find alternative sources of energy, such as solar energy, in order to deal with energy stress as well as to reduce adverse impacts on water and food security. It is necessary thus to develop a holistic approach to address these intertwined issues. However, at this stage, there is a lack of policy coordination between regional mechanisms at the regional level and state agencies at the national level. The existing regional mechanisms, to be discussed below, tend to function in silos – leading to a lack of efficiency and waste of resources.

Increasing geopolitical competition to get access to water resources due to growing demand and the complexity of resource conflicts, mainly driven by unfair resource capture by more powerful riparian states, make conflict management and resolution more difficult. In terms of water resources management in the Mekong region, there is a considerable lack of strategic trust among the riparian countries, due to the lack of information sharing and transparency. Distrust remains a key constraint to the promotion of regional cooperation and developing regional solutions. Information sharing on transboundary phenomena remains limited given riparian countries preferring to keep or hide domestic data for national security reasons; lack of political trust leads to tensions and conflicts. In addition, the region does not have an effective mechanism or sufficient institutional capacity to prevent and mitigate resource-driven tensions or conflicts.

Water resource security in mainland Southeast Asia has a direct correlation with ASEAN community building. Firstly, more than 80 percent of natural disasters in Southeast Asia relate to hydro-meteorological catastrophes such as floods, droughts, and landslides.⁸ Secondly, the resource-driven conflicts in the Mekong region will harm cooperative and friendly relations among countries in the region, thereby directly affecting ASEAN political security community building and destabilising the whole region. Thirdly, ASEAN risks being geopolitically divided between maritime Southeast Asia and mainland Southeast Asia if ASEAN does not pay close attention to the water security issue in mainland Southeast Asia.

⁸ RSIS (S. Rajaratnam School of International Studies) (2017), "Achieving water security in disaster situations: The ASEAN experience", *NTS Bulletin*, September 2017, <https://www.rsis.edu.sg/wp-content/uploads/2017/09/NTS-Bulletin-September-2017.pdf>.

3. Stakeholder Analysis

Stakeholders here refer to the main institutional or organisational actors that have valid views, relevant knowledge and experiences, and resources to implement regional projects. There are four types of regional stakeholders, consisting of regional institutions (Mekong River Commission and Greater Mekong Subregion), international cooperation mechanisms (Mekong-Ganga Cooperation, Mekong-Japan Cooperation, Mekong-ROK Cooperation, the US's Lower Mekong Initiative, Mekong-Lancang Cooperation), development partners (individual donor country and multilateral development partners), private corporations, and civil society groups.

3.1. Regional Institutions

Mekong River Commission

The Mekong River Commission (MRC), founded in 1995, aims to sustainably and fairly develop the Mekong River. Cambodia, Lao PDR, Thailand, and Vietnam are the four members of the MRC, while Myanmar and China became the dialogue partners in 1996. The Mekong Agreement in 1995 clearly stipulates the responsibilities of the riparian countries and the rules for using the Mekong River Basin. Areas of cooperation include sustainable development, utilisation, management and conservation of the water and related resources of the Mekong River Basin. The MRC members shall cooperate on the basis of sovereign equality and territorial integrity in the utilisation and protection of the water resources of the Mekong River Basin.

The MRC encourages the exchange of data on a regular basis among the member countries on the condition of the watercourse, in particularly that of a hydrological, meteorological, and ecological nature, as well as related forecasts. This regular exchange of data facilitates cooperation and allows watercourse states to practise due diligence in their activities. In its five-year work plan, 2016-2020, the MRC focuses its work on four key areas, namely enhancement of national plans, projects and resources based on basin-wide perspectives; strengthening regional cooperation; better monitoring and communication of the Basin conditions; and bureaucratic capacity.

In terms of study and consultation, in 2011, the MRC Council, which is composed of representative ministers from MRC member countries, agreed to establish the “Council Study” to provide reliable scientific environmental, social, and economic impacts of water resources development in the Mekong River, encompassing cross-cutting sectors and impacts.⁹ In addition, the MRC also promotes stakeholder engagement in order to share information, listen to feedback and inputs and address those comments in a meaningful way. The collection of the knowledge and perspectives of all interested stakeholders contribute to the assessment process of the Council Study. Regional stakeholder forums have been held to inform the design, methods, and plans for implementation of the Council Study to all interested stakeholders.

The shortcoming of the MRC is the lack of an effective mechanism and legal instruments to enforce the Mekong Agreement and the MRC’s implementation has been constrained by different interest groups (donors’ interests in the Secretariat against those of the member countries in the Council and Joint Committee). It is argued that “[t]he chief problem of the MRC is that it is donor-driven and does not reflect the governance experiences and development concerns of national governments”.¹⁰ And the main challenge for the MRC is the lack of a sustainable source of funding. The MRC needs \$65 million to fund the operations under this plan, with \$15 million coming from member countries and \$9 million from the existing fund, while the balance of \$41 million will require external support from the donor community. The member countries have approved the financial contribution formula towards equal sharing by 2030 in order to ensure future financial sufficiency and sustainability.

Greater Mekong Subregion (GMS)

The Greater Mekong Subregion, consisting of Cambodia, China (specifically Yunnan Province and Guangxi Zhuang Autonomous Region), Lao PDR, Myanmar, Thailand, and Vietnam, was created in 1992 with support from the Asian Development Bank. The GMS aims to foster regional cooperation

⁹ Mekong River Commission (MRC), <http://www.mrcmekong.org/assets/Uploads/Council-Study-briefs-August.pdf>.

¹⁰ Oliver Hensengerth (2009), “Transboundary River Cooperation and the Regional Public Good: The Case of the Mekong River”, *Contemporary Southeast Asia: A Journal of International and Strategic Studies*, Vol. 31, No. 2, p. 342.

and integration by strengthening infrastructure linkages, facilitating cross-border trade and investment, and tourism, enhancing private sector participation and competitiveness, developing human resources, and protecting the environment and promoting sustainable use of shared natural resources.¹¹

In the strategic plan 2012-2022 developed by the ADB, the GMS programme covers multi-sector cooperation schemes, including developing the major GMS corridors as economic corridors; strengthening transport linkages; developing an integrated approach to deliver sustainable, secure, and competitive energy; improving telecommunication linkages and information and communication technology applications among the GMS countries; developing and promoting tourism in the Mekong as a single destination; promoting competitive, climate-friendly, and sustainable agriculture; enhancing environmental performance in the GMS; and supporting human resources development and initiatives that facilitate the process of GMS integration while addressing any negative consequences of greater integration.¹²

The GMS is a functional regional cooperation mechanism as it does not have binding rules or strict procedures or regulations imposed upon member states. Therefore, the political will and capacity of the states to implement regional projects are critical. Multi-stakeholder partnerships, particularly public-private partnership, are crucial in realising regional initiatives. The enabling factors that have been identified include (i) generating synergies with the Association of Southeast Asian Nations and other regional initiatives, (ii) effective private sector engagement, (iii) innovative approaches to project design and institutional arrangements, (iv) technology enabled processes, and (v) knowledge linkages and use.¹³ ADB is the main funding agency for the infrastructure development. China and Japan are the other two actors in providing loans and grants to support regional integration in the GMS and transform the sub-region into economic corridors. In terms of partnerships, the private sector is encouraged

¹¹ Asian Development Bank (2002), "Building on success: A strategic framework for the next ten years of the Greater Mekong Subregion Economic Cooperation Program", Manila.

¹² Asian Development Bank, "GMS Program", <http://www.adb.org/sites/default/files/gms-ec-framework-2012-2022.pdf>.

¹³ Asian Development Bank, "The Ha Noi Action Plan 2018-2022", <https://www.adb.org/sites/default/files/institutional-document/409086/ha-noi-action-plan-2018-2022.pdf>.

to participate in the sector working groups in specific initiatives as well as increase collaboration with local governments and local communities.¹⁴

3.2. International Cooperation Mechanisms

Mekong-Ganga Cooperation (MGC)

India has been actively involved in the Mekong sub-region since the early 1990s. In 1989, India introduced its “Look East Policy” to engage with ASEAN. In 2014, President Narendra Modi upgraded the “Look East Policy” to “Act East Policy” to give more impetus to India’s regional integration strategy with ASEAN and East Asia. In 2000 the Mekong-Ganga Cooperation mechanism was established to promote regional cooperation. There are six members in MGC, namely, Cambodia, India, Laos, Myanmar, Thailand, and Vietnam. MGC focuses on four cooperation areas, including tourism, culture, capacity building, education, and connectivity. However, due to a lack of leadership and resources, MGC has produced limited results. At the 6th MGC Ministerial Meeting in 2012, India announced the establishment of Quick Impact Projects with an annual budget of \$1 million to fund projects in areas such as connectivity, education, social infrastructure, health, agriculture, farming and animal rearing.

Mekong-Japan Cooperation

Japan reached out to the Mekong countries in 2007 through the Mekong-Japan Regional Partnership Program. Mekong-Japan cooperation has been intensified since 2008, when the first foreign ministers’ meeting between Japan and the Mekong countries took place in Tokyo. A year later in 2009, the Mekong-Japan exchange year was celebrated and the first Japan-Mekong summit kicked off. Japan has supported the Mekong countries in the fields of hard infrastructure development, logistics and transport, institutions building, human resources development, and regional community building. ASEAN is an important partner for Japan in various domains. Narrowing the development gap is vital to ASEAN community building given that the less developed economies of ASEAN are located in the Mekong region.

¹⁴ Asian Development Bank, “The Ha Noi Action Plan 2018-2022”, <https://www.adb.org/sites/default/files/institutional-document/409086/ha-noi-action-plan-2018-2022.pdf>.

In 2015, Japan and the Mekong countries adopted Tokyo Strategy 2015, with a financial commitment from Japan of \$110 million over a period of five years. The Tokyo Strategy emphasises four pillars of cooperation. The first pillar is “hard efforts”, concentrating on industrial infrastructure development and strengthening “hard connectivity”. The second pillar is “soft efforts”, which refers to advancing industrial structures and human resources development, and strengthening “soft connectivity” (institutional connectivity, economic connectivity, and people-to-people connectivity). The third pillar relates to sustainable development and a green Mekong. Disaster risk reduction, climate change, water resources management, and conservation and sustainable use of aquatic fishery resources are included in the third pillar. The fourth pillar focuses on the coordination with various stakeholders, including institutional coordination among various regional initiatives, relevant private sector organisations, non-government organisations (NGOs), and other development partners (the United States and China).

Mekong-ROK Cooperation

South Korea started engaging with the Mekong region in 2011. The foreign ministers from South Korea and the Mekong countries adopted the Mekong-Korea Comprehensive Partnership for Mutual Prosperity with an emphasis on connectivity, sustainable development, and people-oriented development. The Mekong-Korea Plan of Action (2014-2017) prioritises six areas: infrastructure, information technology, green growth, water resources development, agriculture and rural development, and human resources development. South Korea has provided US\$3.4 billion to ASEAN, 72 percent of which was injected into the less developed economies in the Mekong region (Cambodia, Laos, Myanmar, and Vietnam) with a focus on capacity building and systematic infrastructure development.

The US's Lower Mekong Initiative (LMI)

The US initiated the Lower Mekong Initiative (LMI) in 2009, prioritising agriculture food security, connectivity, education, energy security, water security, environmental issues, and public health. The US approach is to strengthen public institutions, empower civil society, promote social justice and human rights, and support sustainable and inclusive develop-

ment. In 2016, the US stressed sustainable infrastructure and narrowing the development gap within ASEAN.

The signature programs of the LMI include Connect Mekong, Smart Infrastructure for the Mekong, Connecting the Mekong through Education and Training, Professional Communication Skills for Leaders, Women's Entrepreneurial Center of Resources, Education, Access, and Training for Economic, and One Health Program. Some other specific cooperation projects in the LMI are the US assisting the Mekong region in addressing the impact of climate change and other challenges related to the sustainable development of the Mekong River Basin. The Mekong River Commission and the Mississippi River Commission have also signed a "sister-river" agreement to exchange experiences and build a partnership in the management of transboundary water resources.

Mekong-Lancang Cooperation (MLC)

The Lancang-Mekong Cooperation (MLC) was launched in 2015 at the first MLC foreign ministers' meeting. MLC focuses on three areas of cooperation, including politico-security issues, economic affairs and sustainable development, and social affairs and people-to-people exchanges. MLC is one of the core elements of China's neighbourhood diplomacy to strengthen its presence and influence in the Mekong region and further connect the Mekong region with China's less developed regions in the South West (particularly Yunnan province) in order to generate more opportunities in these regions.

At the first MLC Summit in 2016, China committed \$1.54 billion in preferential loans and a credit line of \$10 billion to support infrastructure and production capacity projects of the Mekong countries. As an upstream country, China has a responsibility to better manage the Mekong River as a measure to support improvement of living conditions of the people living downstream.

At the first Summit, the leaders adopted twenty-six points of cooperation, including speeding up both hardware and software connectivity among the MLC countries; improving the Lancang-Mekong rivers, roads and railways network; pushing forward key infrastructure projects to build a comprehensive connectivity network of highway, railway, waterway, ports and air linkages in the Lancang-Mekong region; expediting the construction of a network of power grids, telecommunication and the Internet;

implementing trade facilitation measures; and promoting trade and investment and tourism. The main challenge for the MLC is sustainable water resources management. The differences and conflicts of interest between the upstream and downstream countries over the construction of controversial hydropower dams along the mainstream of the Mekong River have restrained regional cooperation. To reduce mutual suspicion and tension, China has expressed its willingness to share more data relating to quantity and quality of water, particularly in the dry season. To show its responsibility as an upstream country, China decided to discharge water from the Jinghong hydropower station in March 2016 to the Mekong River to assist downstream countries to mitigate severe droughts.

3.3. Development Partners

The bilateral development partners include Australia, Belgium, Canada, Denmark, Finland, France, Germany, Japan, Luxemburg, the Netherlands, New Zealand, Norway, Republic of Korea, Sweden, Switzerland, United Kingdom, and United States. The multilateral development partners include the European Union, ASEAN, United Nations Development Program, United Nations Environment Program, Asian Development Bank, and World Bank and Global Environmental Facility.

The European Union (EU) is one of the key development partners and donors of the Mekong region. Cooperation areas include poverty reduction, institutions building, education, health, disaster preparedness and relief, and environmental protection. Since 1994, the EU has provided more than US\$65 million to three Mekong countries (Cambodia, Laos, and Vietnam). Since 1995, the EU has committed more than US\$40 million to disaster preparedness projects focusing on the most disaster-prone areas across the Mekong region. In 2013, the EU committed US\$6 million to the Mekong River Commission (MRC) to strengthen its capacity in responding to climate change challenges. And in 2016 alone, over US\$2.5 million was provided to assist the people affected by drought and salt water intrusion in the central highlands and Mekong Delta of Vietnam.

Founded in 1967, the Association of Southeast Asian Nations (ASEAN) has played a key role in promoting regional cooperation and integration. Concerning the Mekong region, in 1996, the basic framework of ASEAN-Mekong Basin development cooperation was adopted to enhance sustainable development of the Mekong Basin, encourage a process

of dialogue and common project identification, and strengthen the interconnections and economic linkages. In 2010, the Memorandum of Understanding between the Mekong River Commission and the ASEAN Secretariat was adopted. It focuses on key cooperation areas such as allowing representatives to attend the respective meetings, implementing joint activities, building capacity in the CLMV countries (Cambodia, Lao PDR, Myanmar and Vietnam) in disaster management and environmental governance, and assessing the impact of climate change on biodiversity, water resources, and water-related disasters.

An annual consultation meeting will be held to review current and planned cooperation and agree on an overall annual work plan. The head of the Initiative for ASEAN Integration and Narrowing the Development Gap Division, ASEAN Economic Community, and the Chief Executive Officer of the MRC Secretariat shall have the responsibility for ensuring that the objectives are met.

3.4. Civil Society Organisations

There are a number of international non-governmental organisations working on the Mekong region. These NGOs have played a critical role in raising public awareness, advocacy, providing evidence-based policy recommendations, and working with the governments and private enterprises to promote sustainable development of the Mekong region.

Save the Mekong is the largest coalition of NGOs, local people, academics, journalists, artists and ordinary people from within the Mekong countries and beyond. The mission of the coalition is to urge the governments in the Mekong region to keep the Mekong River flowing freely to save this critical source of protein, income and life for present and future generations. The International River has been actively engaged in international campaigns against the hydropower dam construction on the mainstream of the Mekong River. The Mekong Program on Water, Environment and Resilience brings together people committed to improving local, national and regional governance of the water and other resources in the Mekong region with the aim to improve livelihoods and the ecosystem. World Wild Life Greater Mekong Program works with local communities, the government and industry to protect the future of the Mekong River and its diverse habitats. Living River Siam supports the rights of the local communities to their water resources, promotes sustainable water resources

management, and opposes threats to rivers in the Mekong River Basin. Imaging Our Mekong is an annual fellowship programme for journalists from the Mekong region.

3.5. Private Sector

Engaging private corporations, especially hydropower developers, is critical to developing sustainable water resources management and reducing environmental and social impacts and risks. Social and environmental standards and transparency are essential components of the sustainability debate. However, so far the private sector has not been effectively engaged to minimise the negative impacts that might offset economic gains. The collapse of the hydropower dams in Laos in July 2018 was a case in point illustrating the poor quality standard of some infrastructure development projects. The governments should set clear standards and regulations for private investments to increase the quality and resilience of infrastructure projects. Climate-resilient infrastructure development must be promoted.

4. Comprehensive Solutions

4.1. Connecting Security Issues

To address water security in the Mekong region, there is a need to develop a holistic solution to address the water-food-energy security nexus. Water, energy, and food are intrinsically connected. As economies develop, competition across sectors (increasing demands on water for food and water for energy) using water will intensify.¹⁵ Demand for water, food and energy in the Mekong region is on the rise, while economic disparities incentivise short-term responses in production and consumption that undermine long-term sustainability. Shortages of those resources could cause social and political instability, geopolitical conflicts and irreparable environmental damage.¹⁶

There are four stages to address the nexus, according to the report by the International Institute for Sustainable Development. First, assessing

¹⁵ Asian Development Bank (2016), "Asian Water Development Outlook 2016, Strengthening Water Security in Asia and the Pacific", Manila: Asian Development Bank, p. 41.

¹⁶ World Economic Forum (2011), "Global risks 2011", 6th Edition, World Economic Forum, Cologne/Geneva.

the water-energy-food security system by assessing the current status and trends in natural, built and social capital, understanding past stresses and adaptations, and describing future risks. Second, envisioning future landscape scenarios by developing shared principles for a desired future landscape, identifying critical uncertainties and crafting plausible scenarios, and developing adaptations and transformations. Third, investing in a water-energy-food secure future by creating and communicating a new and shared story of the future landscape, and developing the investment strategy and scaling mechanisms. Fourth, transforming the system by communication, implementation, and monitoring and improving.¹⁷

To promote sustainable management of the water resources, the development projects in the Mekong Basin, especially hydropower dams, must have scientific, cross-boundary impact assessment studies, including environmental assessment (a process of identifying, predicting, evaluating, and mitigating the biophysical, social, and other relevant effects of proposed projects and physical activities prior to major decisions and commitments being made), and social impact assessment (a process of estimating the social consequences that are likely to follow from specific policy and government proposals).¹⁸

In 2010, the ASEAN Secretariat and the MRC Secretariat signed an agreement to strengthen their partnership by allowing representatives to attend the respective meetings, prepare joint activities to support the CLMV countries to implement the ASEAN Strategic Plan of Action on Water Resources Management and enhance their capabilities in disaster responses, environmental pollution management, and adaptation to climate change.¹⁹ However, implementation is an issue. So far, the two institutions have not effectively implemented the agreement. ASEAN and the MRC must also explore the possibility of creating a joint working group on the water-energy-food security nexus to realise ASEAN Vision 2025 as well as the United Nations 2030 Agenda for Sustainable Development.

¹⁷ International Institute for Sustainable Development (2013), "The water-energy-food security nexus: Towards a practical planning and decision-support framework for landscape investment and risk management", http://www.iisd.org/pdf/2013/wef_nexus_2013.pdf.

¹⁸ *Manual of Environmental Impact Assessment in the Mekong Region: Commentary and Materials* (First Edition), Mekong Legal Network and Matthew Baird, EarthRights International, September 2016.

¹⁹ "Memorandum of Understanding Between the Mekong River Commission Secretariat and the ASEAN Secretariat", 4 March 2010.

4.2. Connecting Stakeholders

Multi-stakeholder dialogue helps reconcile different interests and reach consensus solutions. A multi-stakeholder approach is a process of trust building and collaboration between multiple actors (state agencies, private corporations, and civil society organisations). The process needs to ensure that different stakeholders have the space to articulate their concerns, and the views of the actors are heard and integrated into solutions that benefit everyone. The statement of the MRC's development partners at the 3rd MRC Summit in April 2018 stresses that "transboundary cooperation and coordination among riparian countries and the open and meaningful involvement of all stakeholders are essential to minimise the negative impacts and optimise the benefits of water infrastructure and other economic development projects".²⁰

In order to prevent water conflicts along the Mekong River, it is necessary to strengthen the existing dialogues and negotiation with more openness, transparency, and participation from relevant stakeholders. For example, China, an important ASEAN dialogue partner and MRC observer, needs to be a part of that process, as does Myanmar, which is now negotiating membership in the MRC. Voluntary briefings on water resources development and usage should be further encouraged. An early warning system based on existing mechanisms needs to be developed to prevent the occurrence and escalation of conflicts.

The riparian governments should implement the principles of preventive diplomacy, which was adopted at the 8th ASEAN Regional Forum in 2001, as one of the cornerstones of regional relations and security cooperation. Preventive diplomacy aims at building consensual diplomatic and political actions to prevent conflicts either from arising or from escalating, or to minimise the impact of existing conflicts. However, the principles of non-interference, sovereignty, and consensus-based decision-making remain the sticking points for ASEAN, and have constrained effective implementation of preventive diplomacy.

Moreover, the riparian governments need to enhance their working relationships and partnerships with the development partners, private sector, and civil society organisations in order to develop a holistic solution to the water security issue. Some state leaders from the Mekong region

²⁰ "Statement of the Development Partners at the occasion of the 3rd Summit of the Mekong River Commission", Siem Reap, 5 April 2018.

have emphasised the importance of multi-stakeholders partnership.²¹ Collaboration and partnership among different stakeholders (public, private, and civil society organisations) are critically important to sustainable water resources management. Cooperation and negotiation among these different stakeholders for the sustainable use of water resources and leadership are desperately needed. An effective cooperation strategy framework is needed for guaranteeing water resources security. Several frameworks are available and the Mekong region needs to find a suitable one that encourages participation of all actors and helps achieve agreements which are more sustainable, equitable to all users and based on long-term commitments.

4.3. Connecting ASEAN with the MRC

The four-country MRC and the ten-country Association of Southeast Asian Nations (ASEAN) are the two main regional institutions managing differences in the region. However, these two institutions are good at facilitating consultation but cannot effectively deal with conflicts when they arise due to the strict principles of non-interference and sovereignty, and the lack of political will and trust.

ASEAN has two mechanisms to support the less developed economies in the Mekong region, namely the ASEAN-Mekong Basin Development Cooperation (AMBDC) and the Initiative for ASEAN Integration (IAI), which focus on development and poverty reduction by investing in infrastructure development, agriculture, human resources, and energy. The initiatives also aim to protect the environment and promote tourism, trade, and investment. However, these initiatives lack synergies and coordination with the MRC.²²

The ASEAN Vision 2025 does not have a clear policy on “water security”, except some policies relating to the development of “resilience to climate change, natural disasters and other shocks”, the improvement of “national and regional mechanisms that address food and energy security issues”, and the enhancement of policy coordination and capacity to “conserve, develop and sustainably manage marine, wetlands, peatlands,

²¹ Nguyen Xuan Phuc, Prime Minister of Vietnam, Speech at the Plenary Session of the 3rd MRC Summit, Siem Reap, 5 April 2018.

²² Chheang, Vannarith (2016), “Tensions and Prospects over the Mekong River”, *Thinking ASEAN*, Issue 10, April 2016, pp. 2-4, Jakarta: Habibie Center.

biodiversity, and land and water resources".²³ ASEAN should include water security in its community vision and raise the profile of water security on the political security agenda of ASEAN and its member states. Institutional connectivity between ASEAN and the MRC needs to be enhanced in order to generate better policies through multi-stakeholder dialogue and greater coordination. ASEAN should encourage its member states to ratify the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and the Convention on the Law of the Non-Navigational Uses of International Watercourses.

Other international cooperation mechanisms and development partners, discussed above, also lack institutional synergies and policy coordination. Therefore, all these stakeholders need to work closer together to develop a Mekong basin-wide development strategy, sustainable hydropower development pathways, and alternative energy development pathways in order to reduce the adverse impacts of the construction of hydropower dams along the mainstream of the Mekong River. Moreover, regional-national policy coordination and synergies need to be strengthened, especially the policy integration between the regional plans and the national water resources planning of the riparian countries.

4.4. Connecting Knowledge

Transparency is one of the most important principles and measures to build trust and confidence among the countries sharing the Mekong River. Data sharing, especially in the dry season, is crucial for equitable water resources management and disaster prevention and management. To effectively address natural disasters, especially floods and droughts, an early warning system needs to be effectively implemented based on information and data gathering regarding rainfall in the mountainous areas and water flow patterns of the upper half of the Mekong River.²⁴

Exchanges of experts and engineers among the countries sharing the Mekong River needs to be improved and further promoted, particularly visits to the hydropower dam construction sites. Scientific data sharing needs to be promoted based on the full sharing of data and information.

²³ The ASEAN Secretariat, "ASEAN 2015: Forging Ahead Together", Jakarta: The ASEAN Secretariat.

²⁴ Chheang, Vannarith (2012), "A Cambodian perspective on Mekong River Water Security", 4 April 2012, Washington DC: Stimson Center, <https://www.stimson.org/content/cambodian-perspective-mekong-river-water-security>.

Upper and Lower Mekong countries need to create an open channel of information sharing. The institutionalisation of data sharing can be a tool promoting transparency, trust and confidence. Improving the quality of data leads to better-informed policies and effective policy making.²⁵

The creation of a monitoring network, a common database and knowledge base, and a national forecast and warning system are some of the key components in knowledge governance and connectivity. Data management, including data collection, storage and analysis, is vital to effective management of the water resources. This was emphasised in the joint statement between the Lower Mekong countries, development partners, and the MRC in August 2018. The statement also stresses the capacity needs of the Lower Mekong countries to install real-time water level and rainfall observation stations and to upgrade the early warning system. ASEAN should work closely with the MRC in creating knowledge systems on integrated water resources management and the prevention and management of resource-driven conflicts.

4.5. Developing a Code of Conduct (COC)

The Council for Security Cooperation in Asia Pacific (CSCAP) suggested that regional countries should work together to develop a code of conduct on transboundary water resources management based on the experiences accumulated and lessons learned.²⁶ The six riparian countries of the Mekong River should convene a discussion, either formally or informally, on a rules-based transboundary water resources management system, in particular in relation to negotiations on a Code of Conduct for the Mekong River (COC). The COC should aim to become a legally binding document to enforce the existing five sets of procedural rules of the MRC, including procedures for data and information exchange and sharing, procedures for water usage monitoring, procedures for notification, prior consultation and agreement, procedures for the maintenance of flows on the main-stream, and procedures for water quality.²⁷

²⁵ Asia Society (2009), "Asia's next challenge: Securing the region's water future. A report by the Leadership Group on Water Security in Asia", New York: Asia Society.

²⁶ Council for Security Cooperation in Asia Pacific (CSCAP) (2014), "Enhancing Water Security in the Asia Pacific", *CSCAP Memorandum* No. 23, January 2014.

²⁷ Mekong River Commission (2018), "MRC Procedural Rules for Mekong Water Cooperation", <http://www.mrcmekong.org/assets/Publications/MRC-procedures-EN-V.7-JUL-18.pdf>.

The COC should consist of three main components: confidence building measures, preventive diplomacy and dispute settlement mechanisms. Hotline communications, an early warning system, and using the “good offices” of diplomacy (which can be created under an ASEAN framework) are vital to preventing potential resource-driven conflicts between the riparian countries.²⁸ And there is a need to strengthen the regional capacity in engaging in “good offices” diplomacy and providing a conflict resolution mechanism. Early interventions need to be implemented in response to resource-driven tensions or conflicts deemed to threaten regional peace. And dual-track diplomacy (bilateral and multilateral negotiation) should be exercised in preventing and mitigating tensions or conflicts.

Conclusion

Water security in the Mekong region may emerge as one of the regional security flash points if there is no effective regional mechanism to prevent and resolve the differences and tensions deriving from the mismanagement or unsustainable and unfair management of the transboundary water resources and related resources. ASEAN faces the risk of being geopolitically divided between mainland Southeast Asia and maritime Southeast Asia if ASEAN does not have an effective mechanism to reduce the development gap and support the Mekong countries to deal with transboundary water resources management, a survival issue for the Mekong countries, especially Cambodia, Laos, and Vietnam.

The main challenges that the Mekong countries are facing include the increasing demand for water, energy, and food resources, lack of political trust and information sharing, lack of policy coordination and synergy between regional institutions and mechanisms, and the lack of a rules-based water management system. The chapter proposes five policy recommendations, namely connecting security issues (water-food-energy security nexus), connecting stakeholders, developing institutional synergies between ASEAN and the MRC, connecting knowledge, and developing a code of conduct for the Mekong River.

ASEAN has a critical role to play in building the water management capacity of the CLMV countries, enforcing preventive diplomacy and

²⁸ Chheang, Vannarith (2018), “Code of Conduct for the Mekong”, *Khmer Times*, 3 April 2018, <https://www.khmertimeskh.com/50298648/code-of-conduct-for-the-mekong/>.

providing “good offices” diplomacy in water-related disputes. Water security is ASEAN’s security concern as it relates to all the three pillars of its community blueprints. Moving forward, ASEAN must strengthen the “connectivity”, “synergy”, and “equilibrium” of its institutional objectives and aspiration. ASEAN needs to promote transformative and collaborative leadership to embrace changes and adopt innovative solutions and further advance its “people-centric and people-relevant outlook”.²⁹

²⁹ Natalegawa, Marty (2018), *Does ASEAN matter? A view from within*, Singapore: ISEAS-Yusof Ishak Institute, pp. 228-235.

Maritime Security in Southeast Asia: A Case for Paradigm Shift on ASEAN's Agenda

Dr. Do Thanh Hai

Introduction

ASEAN has been portrayed as a successful and viable case of regionalism that has pacifying power. Since its inception, ASEAN has fostered reconciliation in a region burdened with distrust and conflicts. It played a constructive role in the late 1980s and early 1990s to turn Indochina from a battlefield into an ever stronger marketplace. From being a divided region, Southeast Asia has united under an overarching regional institution, with Vietnam, Laos, Cambodia and Myanmar admitted into the Association in the latter half of the 1990s. ASEAN also managed to create dialogues and multilateral settings to engage most of the world's major powers, getting them to subscribe to its flagship Treaty of Amity and Cooperation during the 2000s.

However, the escalation of tensions in the maritime domain over the last decade has posed a critical test to its *raison d'être* as a regional grouping. ASEAN has been criticised for its inability to protect its members from perceived coercive and aggressive acts. It is even faced with disarray, as its members cannot agree on a meaningful strong common position with respect to a few prominent events that occurred in the South China Sea. It is confronted with a credibility crisis at the regional and international level as it has failed to resolve, or at least find a proper way to reduce, the tensions at its doorstep. Its claimed centrality in the regional security structure has become less relevant in the context of China's Belt and Road Initiative and other major powers' pursuit of an Indo-Pacific vision.

The maritime security issue is illustrative of the inherent weakness of ASEAN's approach to security. The narrow focus on national gains at the

expense of regional interests, the separation of issues due to sectoral boundaries, and the supremacy of sovereignty and government priorities make it very difficult to establish a proper dispute management regime. This impasse triggers rethinking about the nature of the problem ASEAN has at hand. Clearly, the South China Sea issue is being ineffectively dealt with in a traditional mind-set. Given the rise of a community within ASEAN, maritime security should be put in the context of regional connectivity, in which it is closely linked to regional peace and stability, where the security and development of its members are closely interrelated, and stakeholders are part of a regional framework of dispute management and resolution.

Against this background, this chapter aims to explore the issue of maritime security in Southeast Asia with an emphasis on its effect on efforts to strengthen connectivity. It mostly discusses how disputes are interrelated and linked to the broader regional security where stakeholders' fortunes are entangled. Based on these analyses, the chapter tries to creatively work out pathways with new thinking and innovative measures to manage the disputes for the sake of community building within ASEAN and beyond.

Increased Maritime Insecurity in Southeast Asia: Multiple Challenges

Maritime security is often referred to as protection from threats to freedom or good order at sea. The concept has been defined differently by different nations and institutions.¹ In the Southeast Asian context, the concept includes a range of issues, from traditional security challenges such as interstate conflicts and arms build-up to non-traditional challenges such as piracy and armed robbery against ships, maritime terrorism, illegal trade of arms, environment degradation, and illegal fishing. It also includes the security of sea lines of communication (SLOCs), safety of navigation, construction of marine structures, and rules of roads.²

The post-Cold War period witnessed a shift in ASEAN's maritime security agenda. Between 1991 and 2009, ASEAN focused largely on non-traditional security challenges, such as terrorism, armed piracy and

¹ Geoffrey Till, "Developments in Maritime Security", in Peter Cozens (ed), *New Zealand's Maritime Environment and Security*, Centre for Strategic Studies: New Zealand, Victoria University of Wellington, 1996, p. 5.

² See ASEAN Regional Forum Work Plan for Maritime Security (2015-2017); ASEAN Political and Security Community Blueprint 2025.

robbery, illegal trafficking of weapons, people and drugs, and the shipment of weapons of mass destruction.³ Tensions over the maritime territorial and boundary disputes occasionally erupted, but were generally measured. In the wake of China's creeping occupation of the Mischief Reef in 1994, ASEAN and China began negotiations on a code of conduct to maintain the status quo, which eventually resulted in the signing of the Declaration on the Conduct of Parties in the South China Sea in 2002. Thanks to those efforts, Southeast Asia's seascape was largely safe and stable.

Since 2009, Southeast Asia's maritime security has worsened with interstate disputes, aggravated by non-traditional challenges. An increased number of clashes and stand-offs at sea strained relations among claimants. China was criticised for enforcing its expansive nine-dash line claim through the deployment of an overwhelming fleet of fishing boats and law enforcement vessels that harassed and intimidated those of other countries so as to assert control. Smaller claimants were blamed for messing up, hyping the problem, and allegedly facilitating external powers' interventions.⁴

Tussles were not confined to the war of words. The South China Sea has also been heavily militarised. China built up artificial islands on Spratly reefs and installed deep-water piers, airstrips, and missiles. Other coastal states also added to their arsenal submarines, frigates and advanced fighters. The region also witnessed increased great power rivalry as the United States of America (US) and other powers also intensified their presence in the region and vowed to defend freedom of navigation. Between 2009 and 2016, about 90 incidents involving South China Sea claimant vessels were reported. Ships were sunk and lives were endangered in these stand-offs and clashes.

At the same time, non-traditional security challenges continued to plague the region; these should be given more attention due to the seriousness and magnitude of the problems the region has at hand. The latest statistics shows that piracy and armed robberies steadily increased from

³ See Ian Storey, "Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation", *Southeast Asian Affairs*, 2009.

⁴ Ian Storey, "The South China Sea Dispute: How Geopolitics impedes Dispute Resolution and Conflict Management", Paper presented at Global and Regional Power in a Changing World, FLASCO-ISA, Buenos Aires, Argentina, 23-25 July 2014.

2009 to 2015 before dropping in 2016 and rising again in 2017.⁵ Between 2010 and 2014, Southeast Asia ranked second in terms of number of piratical attacks, only after Africa.⁶ Between March 2016 and March 2017, there were 13 incidents of abduction of crew and nine attempted incidents in the Sulu and Celebes Sea and waters off Eastern Sabah.⁷ According to the United Nations Office on Drugs and Crime's World Drug Report 2017, the production of heroin and morphine rose 30 percent over the period of 2010-2015 in East and Southeast Asia, which served as the main supplier to Oceania.⁸ The region is also a key transit point for global irregular migrations. Illegal, unreported and unregulated fishing (IUU fishing) is still a headache for the entire region.⁹

Among these issues, marine environmental degradation and depletion of fish stocks are the most severe and alarming. Today's total fish stocks in the South China Sea are just 5-30 percent of those of the 1950s.¹⁰ It is estimated that the key fish stocks will continue to decline by 50 percent by 2045 as measured by catch, with the collapse of a wide range of species.¹¹ Chinese fishermen have been criticised for unsustainable fishing practices.¹² However, China is not an exception. The practices of using drift nets, bottom trawling, cyanide, and dynamite are rampant. Vietnam was also warned by other partners, including the European Union, for illegal, unreported and unregulated fishing. Critically, the corals in the South China

⁵ Lim Ming Zhang, "More piracy, robbery cases in Malacca and Singapore straits in 2017, as in rest of Asia", *The Strait Times*, 16 January 2018, <https://www.straitstimes.com/singapore/more-piracy-robbery-cases-in-malacca-and-singapore-straits-in-2017-as-in-rest-of-asia>.

⁶ Ahmad Almaududy Amri, "Maritime Security Challenges in Southeast Asia: Analysis of International and Regional Legal Framework", PhD Thesis, University of Wollongong, 2016, p. 66.

⁷ Zhen Sun, "Fostering more effective Non-Traditional Maritime Security Cooperation in Southeast Asia", Paper presented at Maritime Security and Coastal Surveillance Indonesia, 24-25 April 2018, Jakarta, Indonesia.

⁸ UNODC, "World's Drug Report 2017, Analysis of Plant-Based Drugs", p. 20.

⁹ ASPI, "People smugglers globally", edited by John Coyne and Madeleine Nyst, October 2017; Peter Chalk, "Illegal fishing in Southeast Asia: A multibillion-dollar trade with catastrophic consequences", *The Strategist*, 17 July 2017.

¹⁰ CSIS South China Sea Expert Group, *A Blue Print for Fisheries Management and Environmental Cooperation in the South China Sea*, US Centre for International and Strategic Studies, 13 September 2017.

¹¹ Marina Tsribas, "Saving the South China Sea fishery", *Policy Forum*, 4 July 2017.

¹² Julius Cesar Trajano, Lina Gong, Margareth Sembiring and Rini Astuti, "Marine Environment Protection in the South China Sea: Challenges and Prospects (Part I)", *NTS Insight*, December 2017, p. 6.

Sea, which serve as a habitat for fish and a bedrock for bio-diversity, have been severely destructed by giant clam poaching and dredging activities.¹³

Depleting the fishing ground would render major consequences for the region. The South China Sea fisheries are critical to the economies of the fringe states as well as the whole region. This area is home to at least 3,365 species of marine fish and accounts for 55 percent of global marine fishing vessels operating.¹⁴ It is also the fourth most productive fishing field in the world, representing a share of 12 percent of global fishing catches.¹⁵ Fish has no boundaries, neither does the marine ecosystem. Therefore, environmental degradation is a regional and transnational problem that cannot be resolved by any single country's effort. As an example, China has unilaterally imposed a fishing ban of two to three months since 1999, but it has failed to yield concrete results. The fishing stock has continued to decline as mentioned above.

Clearly, maritime insecurity in Southeast Asia is not single-dimensional and country-specific. It is an inter-sectoral problem involving strategic, political, economic, social and environmental dimensions that affect the entire region. First and foremost, traditional security concerns prevail, as the maritime domain has been militarised. As tensions in the South China Sea rose, the regional share of military spending correspondingly increased. According to the Stockholm International Peace Research Institute, military spending in Asia and Oceania rose from 17 percent to 27 percent of global expenditure from 2008 to 2017. The region spent a total of US\$477 billion in building up military forces in 2017.¹⁶ China's rapid arms build-up was perhaps the main kick-starter of the process. Vietnam followed with an increase of nearly 700 percent in arms acquisition over the last ten years, making it enter the ranks of the world's top ten arms importers.¹⁷ Manila and Kuala Lumpur also have their own programmes

¹³ Rachael Bale, "Giant Clam Poaching Wipes out Reefs in South China Sea", *National Geographic*, 12 July 2016, <https://news.nationalgeographic.com/2016/06/south-china-sea-coral-reef-destruction/>.

¹⁴ Clive Schofield, "Fish, not oil, at the heart of the South China Sea Conflict", *Fridtjof Nansen Institute*.

¹⁵ Marina Tsirbas, "Saving the South China Sea fishery", *Policy Forum*, 4 July 2017.

¹⁶ "Trends in World Military Expenditure, 2017", *SIPRI Fact Sheet*, May 2018.

¹⁷ Felix Heidux, "No arms race in ASEAN, but rise in defence spending could undermine security", *Today*, 8 March 2018.

to buy more advanced warships and fighters.¹⁸ Other coastal states have little choice but to acquire big-ticket items such as submarines, frigates, advanced fighters, and other sophisticated platforms to keep pace .

Economically, the sea was much less rewarding. The disputes over the maritime boundaries have hindered expansions in hydrocarbon extractions, which are critical to energy-thirsty Vietnam and the Philippines. The depletion of fish stocks is a region-wide problem, and will impoverish millions of people in the coastal communities, making them more prone to crimes and extremism. It is the origin of concerns about disruptions in interstate amity, food security and energy production, supply and transits. The complex nature of maritime problems, which are a set of interrelated disputes over sovereignty, maritime zones, rights to resources, environment protection obligations and freedom of navigation, makes them increasingly difficult to be resolved. Seen from the other way around, declining catches can result in greater poverty in fishing communities, more clashes at sea for control of fishing grounds, and greater involvement in criminal acts to find supplemental incomes.¹⁹ It is not just a national security challenge, but also a human security threat.

Against this backdrop, maritime security is not only a challenge to individual states but also a test case for ASEAN's viability as a regional grouping. First and foremost, it is ASEAN's mandate, among many, to "maintain and enhance peace, security, and stability and further strengthen peace-oriented values in the region" and "to respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges".²⁰ Besides, as the single most successful regional institution in the Indo-Pacific region, ASEAN is facing questions as to its claimed centrality on whether it is capable of handling regional problems without the intervention of the major powers. As a matter of fact, every time tensions arise, all eyes look to ASEAN meetings for remedies to stabilise the situation. Finally, many maritime security issues are transnational and regional ones, which cannot

¹⁸ Linh Tong, "The ASEAN Crisis: Part 1: Why the South China Sea is a critical test?", *The Diplomat*, 21 December 2016, <https://thediplomat.com/2016/12/the-asean-crisis-part-1-why-the-south-china-sea-is-a-critical-test/>.

¹⁹ Joe Baker, "Is Southeast Asia home to the most dangerous waters in the world?", *The Ship Technology*, 14 March 2018, <https://www.ship-technology.com/features/southeast-asia-home-dangerous-waters-world/>.

²⁰ "Article 1: Purposes", in "Chapter I: Purposes and Principles", ASEAN Charter, 2007.

be resolved by any single country, or a small group of directly concerned ones.

Key Dynamisms and State-centric Responses

As a whole, maritime security involves a full spectrum of maritime problems, from interstate disputes over sovereignty and maritime boundaries, conflicts over resource exploration and exploitation to safety of navigation, illicit activities such as terrorism, piracy, or smuggling, climate change, natural disasters, and environmental degradation. However, non-traditional challenges have received much less attention from the media, the public and the officialdom than narratives over great power rivalry and frictions about sovereignty issues over the last decade. Explicably, the question of war and peace, or interstate conflict, remains the dominant concern for all the administrations and the public.

The central factor concerning the complex seascape in the Southeast Asian region is the common frame of the maritime domain as a national security issue. In this connection, insecurity derives mostly from the set of unresolved sovereignty and maritime boundary disputes. Vietnam and China/Taiwan have overlapping claims over the Paracels. Six parties, including Brunei, China, Taiwan, Malaysia, the Philippines, and Vietnam, claim the Spratly features, partly or wholly. In addition, there exist overlapping claims to different maritime zones, which derive from differences in interpretation and application of the United Nations Convention on the Law of the Sea (UNCLOS). The most controversial dispute would be China's nine-dash line claim, which is reckoned as "incompatible with UNCLOS". Understandably, behind such claims are a variety of interests, ranging from the control of strategic spaces, to maritime resources, to national pride.

The lack of jurisdictional clarity is a source of intermittent friction and has driven nationalist behaviour in terms of competitive moves to advance the rights of claimants, and to assert and consolidate their control or weaken others' *de facto* and *de jure* claims. Two armed conflicts occurred in 1974 and 1988 when China resorted to force in expelling the Vietnamese from the Paracels and some reefs in the Spratlys, respectively. After the Cold War, while South China Sea littoral countries maintained cordial relations, tensions flared up periodically due to unilateral efforts

by one or another claimant to exhibit de facto control and jurisdiction.²¹ In 1995, China silently moved into Mischief Reef, causing uproar from Manila. Significant face-off incidents over hydrocarbon activities occurred in 1994, 1997 and 2004 between Vietnam and China. However, there were also areas where tensions dropped rapidly. The Gulf of Tonkin became more tranquil after Vietnam and China signed an agreement to delimit the maritime boundary within the Gulf.

Since the mid-2000s, newfound strategic dynamics arose as China rose up as an active maritime force, seeking greater control over its near seas, while the US and its allies tried to curtail Chinese influence. The South China Sea emerged as a flashpoint characterised by increased number of violent incidents. China really lies at the core of rising tensions over the last decade with its continuous assertive actions to coerce smaller neighbours into accepting its rules in the South China Sea.²² As mentioned above, incidents happened more frequently, from violence against fishermen to ship ramming and water cannon fights. Between May and July 2014, the stand-off between Vietnam and China over China's deployment of the Haiyang Shiyou 981 oilrig in the vicinity of the Paracels resulted in several ships being sunk and heavily damaged. At the same time, China responded strongly against alleged US intrusions. The direct driver is the return of geopolitical and geostrategic mindsets, which see the maritime domain as an arena for vying for influence. The nature of East Asia as a seascape has made the maritime domain a key arena for power competition, with the South China Sea serving as "the throat of global sea routes."²³

The South China Sea has undoubtedly become a theatre for great power rivalry. China's intent in the South China Sea has not been clearly articulated. However, there has been greater consensus that Beijing harbours strategic designs for the South China Sea as a safe corridor for its strategic submarines to go to the Pacific and as leverage on global sea routes. Wary of the possibility of the South China Sea being turned into a "Chinese lake," the US and its allies have tried to increase their naval presence in the

²¹ Stein Tønnesson, "Vietnam's objectives in the South China Sea", *Contemporary Southeast Asia* 27, 1, 2000.

²² Kun-Chin Lin and Andres Villar Gertner, "Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Sea", Asia Program, Chatham House, July 2015, pp. 16-19.

²³ Robert D. Kaplan, "The South China Sea is the Future of Conflict", *Special Report*, 15 August 2011.

South China Sea with the aim to protect freedom of navigation. The US and China have different interpretations over a range of legal issues, from the legal validity of maritime claims to the legitimacy of military activities in the Exclusive Economic Zone of coastal states. The risk of conflicts clearly increased when China sent vessels to prevent US ships from conducting close-in surveillance, as shown in the case of *USS Impeccable* in March 2009, and with the US dispatching its warships to challenge China's allegedly unlawful claims. In September 2018, a Chinese destroyer nearly collided with *USS Decatur* when the latter conducted freedom of navigation operations near Subi reef in the Spratlys.²⁴

The fact that non-traditional maritime security issues have become more complex is attributed largely to competitive national policies over insufficiently regulated space. Marine environmental degradation and depletion of fish stocks have not been included in national security discourses. Coral reefs were destroyed for large-scale construction of artificial islands. A large part of marine environment destruction came from land-based activities. In 2015, four countries in the South China Sea basin, Indonesia, China, the Philippines, and Vietnam, were named as the biggest dumpers of plastic waste into the sea.²⁵ Subsidies to the fishing industries without proper regulation and guidance resulted in competition for fishing grounds and increased instances of illegal, unlawful and unregulated fishing. Poverty along the coast can provide breeding grounds for piracy, terrorism and extremism, and a safe haven for these criminal groups. The threat of climate change and the rise of the sea level have not been properly addressed.

Still, many maritime problems are also created by non-state actors, especially criminal networks. Traffickers smuggle by sea a range of items, including prohibited drugs, fake medicines, gasoline, weapons, people, and cigarettes.²⁶ Piracy and armed robberies, mostly in the simplest form of "hit and run robberies", are also carried out by localists. A range of local

²⁴ Teddy Ng and Kristin Huang, "America accuses Chinese warship of 'unsafe' maneuvers after near collision with USS Decatur in South China Sea", *South China Morning Post*, 2 October 2018, <https://www.scmp.com/news/china/military/article/2166565/chinese-destroyer-nearly-collided-uss-decatur-after-trying-drive>.

²⁵ McKinsey Centre for Business and Environment, "Stemming the Tide: Land-based strategies for a plastic-free ocean", Ocean Conservancy Report, September 2015, <https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf>.

²⁶ Carolin Liss, "New Actor and the State: Addressing Maritime Security Threats in Southeast Asia", *Contemporary Southeast Asia* 36, 2, 2013, pp. 146-47.

separatists and terrorists have also conducted more significant piratical attacks on ships and maritime facilities such as ports. Geographical complexity, specifically the vast swathes of water dotted with small islets, enabled pirates to conduct attacks using the hit and run tactic.²⁷ The terrorist attack on Marawi in May 2017 was indicative of cooperation between different terror groups and links between regional insurgents and the global terrorist network, such as the Islamic State.²⁸

As most of the maritime problems have been viewed from the sovereignty and national security paradigm, the solutions have understandably been developed within such parameters. The state is still considered as the key provider of security in the maritime domain for two reasons. First, states have resources and capacities to work on a large swath of maritime spaces. Second, sovereignty is a critical attribute of states, where their governments need to prove their ability to uphold sovereignty through adequately addressing security threats.²⁹ Therefore, solutions to maritime problems are more often than not moulded in state-centric responses at different levels.

At the national level, governments have tried to bolster their maritime capabilities to defend their maritime territories and police their waters to cope with non-traditional threats. Over the last decade, Southeast Asian states have invested in their navies and maritime law enforcement forces.³⁰ Still, these added capabilities fall short of the demands for securing vast areas of the coastal countries' Exclusive Economic Zone.³¹ Inter-agency coordination is always a thorny point as different agencies have differ-

²⁷ Ben Ho, Chen May Yee, "The Big Read – Danger close: Mindanao, and the terrorists next door", *Today*, 19 June 2017, <https://www.todayonline.com/world/asia/big-read-terrorists-next-door-and-danger-close-mindano>.

²⁸ Noel Tarrazona, "Philippines terror attack threatens ASEAN maritime security", *The Maritime Executive*, 29 May 2017, <https://www.maritime-executive.com/editorials/philippines-terror-attack-threatens-asean-maritime-security>.

²⁹ Carolin Liss, "New Actor and the State: Addressing Maritime Security Threats in Southeast Asia", pp. 147-48.

³⁰ Felix Heidux, "No arms race in ASEAN, but rise in defence spending could undermine security"; Collin Koh, "Viewing Armed Forces Modernisation in Asia-Pacific in Perspective", *The Maritime Issues*, January 2018.

³¹ Carolin Liss, "New Actor and the State: Addressing Maritime Security Threats in Southeast Asia", p. 148.

ent interests and often compete for greater shares in state budgets.³² In some circumstances, such competition has complicated the seascape as agencies tried to act under the nationalist banner.

It should be noted that the world's major powers are also stakeholders in Southeast Asian maritime security. The US, Japan, Australia, India and the European powers have all dispatched their ships to the region to defend freedom of navigation, conduct joint training and exercises, and fight against terrorism and piracy. These powers also engaged in several co-operative projects to improve the maritime domain awareness and other capabilities of some Southeast Asian states. For example, the US and Japan provided vessels to Vietnam's and the Philippines' coastguards.³³

At the bilateral and sub-regional level, countries concerned have tried to negotiate with each other to resolve the existing disagreements and establish mini-lateral mechanisms to enhance maritime security. One example is the conduct of joint patrol and joint development of resources in the Gulf of Tonkin by Vietnam and China. Also, the establishment of the trilateral initiative of Malacca Straits Patrol among Singapore, Malaysia and Indonesia in 2004 to combat piracy was also significant. In June 2017, Malaysia, Indonesia and the Philippines signed an agreement on joint patrol and pursuit of suspected criminals to secure the Sulu and Celebes Sea, located to the northeast of Borneo and southeast of the Philippines.³⁴

At the regional level, there has been a range of multilateral mechanisms to deal with different maritime issues in Southeast Asia and beyond. One of the most important maritime security mechanisms is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Established in 2006, ReCAAP has 14 contracting parties, including North, Southeast and Southeast Asian countries, and runs an Information Sharing Centre based in Singapore. One example of cooperation in the marine environment is the Coordinating Body on the Seas of East Asia (COBSEA), one of the United Nations Environment Programme-administered Regional Seas Programs and the main body to

³² "ASEAN mechanisms on maritime security cooperation", *Event Report*, Nanyang Technological University, Singapore, 26 September 2017.

³³ Jay Tristan Tarriela, "Japan: From Gunboat Diplomacy to Coast Guard Diplomacy", *The Diplomat*, 11 May 2018; "US delivers more patrol boats to Vietnam amid deepening security ties", *Reuters*, 29 March 2018.

³⁴ Andi Jatmiko, "Indonesia, Malaysia, Philippines launch joint sea patrols", *Fox News*, 19 June 2017.

steer the East Asian Sea Action Plan.³⁵ Another example is Partnership in Environmental Management for the Seas of East Asia (PEMSEA), which is run by the United Nations Development Programme (UNDP). Established in 2007, PEMSEA was tasked to implement Sustainable Development Strategy for the Seas of East Asia (SDS-SEA).³⁶ In the fishery field, the Southeast Asian Fisheries Development Centre (SEAFDEC) was established in 1967 and its secretariat is based in Thailand. As an autonomous intergovernmental body, its mission is to “promote and facilitate concerted actions among the Member Countries to ensure the sustainability of fisheries and aquaculture in Southeast Asia.”³⁷

Still, ASEAN stood out as the most important intergovernmental platform to foster dialogue over maritime security through a variety of its offspring mechanisms. ASEAN aims to build a peaceful, secure and stable region, in which maritime security is a component of its Political and Security Community. The ASEAN Political and Security Community Blueprint 2025 affirm the need to “enhance maritime security and promote maritime cooperation in ASEAN region and beyond, through strengthening ASEAN-led mechanisms and the adoption of internationally accepted maritime conventions and principles.”³⁸ A deeper look into the set of tasks set forth in the Blueprint shows that ASEAN views maritime security through a very comprehensive lens, from management and resolution of existing disputes to promotion of maritime cooperation to freedom of navigation and overflight.

ASEAN possesses a good number of platforms to deal with maritime security challenges, in both traditional and non-traditional terms. Within the pillar of political and security community, ASEAN has a range

³⁵ COBSEA focuses on marine- and land-based pollution, coastal and marine habitat conservation, and management and response to coastal disasters through information management, national capacity building, addressing strategic and emerging issues and regional cooperation. To know more about COBSEA, please visit its official website: <https://www.cobsea.org/>.

³⁶ PEMSEA's focus is placed on coastal and ocean governance, natural and man-made hazard prevention and management, habitat protection, restoration and management, water use and supply management, pollution and waste reduction management, as well as food security and livelihood management.

³⁷ SEAFDEC comprises 11 member countries: Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. To know more about SEAFDEC, please visit its official website: <http://www.seafdec.org/>.

³⁸ See “ASEAN APSC Blueprint 2025”, Section B.6.

of meetings, from working groups to senior official meetings (SOM), and ministerial and summit meetings, which are convened regularly in a year-on-year basis. Clearly, the ASEAN Foreign Ministers' Meeting (AMM), ASEAN Defence Ministers' Meetings (ADMM), ASEAN Law Ministers' Meeting (ALAWMM), ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and summits are among the important mechanisms for dialogues on political and security issues, including maritime security.

ASEAN also initiated ASEAN+ mechanisms, such as the ASEAN Regional Forum (ARF), the East Asia Summit (EAS), and the ASEAN Defense Ministerial Meeting Plus (ADMM+), and regular talks with ten dialogue partners, including Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States. The key task of such mechanisms is to foster dialogue and cooperative projects for confidence building, preventive diplomacy, and norm setting. Among them, some institutions, such as ARF, ADMM+, and the ASEAN-EU Dialogue,³⁹ have their own sectoral programmes on maritime security.

Within the ARF structure, maritime security is a critical element. Since 2011, ARF has initiated three-year work plans. The work plan for 2015-2017 defined three priorities as such: (i) shared awareness and exchange of information and best practices; (ii) confidence building measures based on international and regional legal frameworks, arrangements and cooperation; (iii) capacity building of maritime law enforcement agencies in the region. Each of these priority areas has an ASEAN and non-ASEAN country co-convenors. ARF also has a regular inter-sessional meeting specific to maritime security, which covers the topics of confidence building and law of the sea; maritime risks management; fisheries management; illegal, unreported and unregulated fishing; national maritime single points of contact; and capacity building on ship profiling.⁴⁰

With the ADMM+ framework, the ADMM+ Maritime Security Experts Working Group (EWG) is one of the six ADMM+ EWGs to foster practical defence and military cooperation. The maritime cooperation within the

³⁹ Since 2013, the EU and ASEAN have established the mechanism of EU-ASEAN High Level Dialogue on Maritime Security Cooperation. The fourth Dialogue took place in October 2017 in Manila, focusing on law enforcement at sea, maritime connectivity, marine environmental cooperation and joint development of resources, and conflict prevention. See "ASEAN-EU Co-Chair Joint Press Release on the 4th ASEAN-EU High-level Dialogue on Maritime Security Cooperation", 6 October 2017.

⁴⁰ M. C. Abad, "The ASEAN Regional Forum," *KAS Paper*, 27 April 2017, <http://www.kas.de/wf/doc/23552-1442-2-30.pdf>.

ADMM+ structure is unprecedented in terms of actual activities, such as Maritime Security and Counter-Terrorism Exercise in 2016. From the Singaporean perspective, ADMM+ is the most promising forum for maritime cooperation, as other forums such as ARF have stalled. In 2018, it was Singapore's priority to extend the Code for Unplanned Encounters at Sea (CUES) to include law enforcement vessels. However, this endeavour has not yielded concrete results.

Central to ASEAN's maritime security framework is ASEAN-China negotiations on the code of conduct (COC) in the South China Sea. The process started after the Mischief Reef incident in 1995 and achieved initial progress in the form of the signing of the Declaration on the Conduct of Parties in the South China Sea in November 2002 (DOC). Since then, the discussion on the COC made no progress until mid-2017, when China and ASEAN announced a consensus on the framework for the COC. Clearly, the arbitral ruling of 12 July 2016 gave new momentum to the process. China now has vested interests in talking with ASEAN members to avoid references to the ruling, while trying to craft out an alternative set of rules in the South China Sea to reflect a new normal. Though hailed as "progress", these developments are in no way substantive. There remains a long way to go before an effective and fair code of conduct can be agreed. On the other hand, becoming a secretive caucus between ASEAN countries and China, the COC process is fraught with pitfalls and risks producing a set of rules that may be different from those of UNCLOS.

As a part of the 2009 ASEAN Political-Security Community Blueprint, ASEAN established the Senior Officials Meeting (SOM)-level ASEAN Maritime Forum (AMF) to discuss maritime issues other than defence. Its first meeting was convened in July 2010 in Surabaya, Indonesia.⁴¹ In 2012, at the 3rd AMF in Manila, the first Extended ASEAN Maritime Forum (EAMF) was launched to establish a dialogue on maritime security with EAS partners. Interestingly, the 7th AMF and 5th EAMF, which were supposed to be convened in Brunei in 2016, did not happen, without any formal explanations. These meetings were later held in Jakarta in December 2017. Within the ASEAN structure, the AMF and EAMF represent dedicated sectoral bodies to deal with maritime issues. However, the broad range of

⁴¹ Still the issues concerned are human trafficking, smuggling of migrants, IUU fishing, illegal logging, damages to marine environment, piracy and armed robbery at sea.

maritime affairs and the low level of representation (SOM level) are among key factors undermining their effectiveness.⁴²

The Gaps

As presented in the previous section, maritime security in Southeast Asia has been addressed by a range of national policies, bilateral cooperation and a range of multi-layered arrangements for intergovernmental cooperation across the maritime sector. To be fair, the absence of ASEAN and these mechanisms would surely make the Southeast Asian seascape more dangerous. ASEAN has clearly played a central role in preserving peace and preventing the use of force to settle disputes. However, the main puzzle of the chapter is that despite the thickness of the web of mechanisms and measures in the field, maritime security in Southeast Asia has not improved significantly, and has even become worse in many areas, particularly the strategic and environmental realms. Trust among South China Sea littoral states and among ASEAN members have sunk to the lowest level, as the region continues to be militarised.

In fact, maritime issues could become a stumbling block to the greater ASEAN integration project. In July 2012, for the first time in history, the annual ASEAN Ministerial Meeting (AMM) was unable to produce a joint communiqué due to disagreement among the foreign ministers on the South China Sea developments. It is an open secret that China managed to capitalise on the support of ASEAN's non-claimant members to block any ASEAN joint statement criticising China for its assertive behaviour.⁴³ Since then, the South China Sea issue has always been the greatest challenge to ASEAN, and has adversely affected the group's credibility as the central pillar of the regional security architecture.⁴⁴ Non-claimants within ASEAN were worried about being dragged into conflicts with China while claimants expected ASEAN to serve as the protector of collective interests. From

⁴² Shafiah F. Muhibat, "AMF and EAMF: An Uncertain Future", *RSIS Commentary*, No. 111, June 2017.

⁴³ Prak Chan Thul, "SE Asia meeting in disarray over sea dispute with China", *Reuters*, 13 July 2012, <https://www.reuters.com/article/us-asean-summit/se-asia-meeting-in-disarray-over-sea-dispute-with-china-idUSBRE86C0BD20120713>.

⁴⁴ Linh Tong, "The ASEAN Crisis: Part 2: Why can't ASEAN agree on the South China Sea?", *The Diplomat*, 22 December 2016, <https://thediplomat.com/2016/12/the-asean-crisis-part-2-why-cant-asean-agree-on-the-south-china-sea/>.

outside, the world looks to ASEAN as the first effective responder and a source of meaningful remedies to lower tensions in the maritime arena, which is critical to global trade.

At the same time, collective efforts to address non-traditional challenges are far from successful. The ineffectiveness of these institutions arises from a range of factors, including lack of resources, facilities, and insights into the spaces that are unfriendly to people. Most ASEAN countries with the exception of Singapore are at low levels of development. Nonetheless, the central reason perhaps lies in the rigid paradigm or mindset of applying national security consideration to all maritime issues. In other words, most of the responses at all levels to date are largely state-centric, separated, and patchy while the nature of problems facing the region is more diverse, interconnected, and incessant. Even regional efforts within the frameworks of ASEAN, PEMSEA, COBSEA or ReCAAP are intergovernmental in nature and are driven by narrowly defined national economic and security interests.

One key example is: the idea of extending sovereignty seaward represents the main driver of intense disputes over maritime spaces. In this connection, the South China Sea disputes stand as insurmountable hurdles to improved maritime security in the region for several reasons. First, increased tensions over existing disputes undermine cooperative attempts in the other fields.⁴⁵ Second, the possibility of armed conflicts will never be ruled out whilst disputes remain unresolved. Fears, anxieties and suspicions are permanent, and parties easily fall into the security dilemma when the balance of power tilts. Third, the lack of clarity in maritime boundaries and entitlements may result in clashes and incidents at sea as states try to assert jurisdiction and advance their own interests. Fourth, illegal claims and unlawful attempts basically undermine the maritime order, destabilising the entire security environment.

Also, the national security framework actually hinders cooperation in coping with transnational problems and restrains the involvement of other stakeholders. Stein Tønnesson convincingly argues that “from a human perspective, the South China Sea [or perhaps Southeast Asian Sea] does not naturally appear as a divisive maritime territory and from such a perspective, the sea is a major resource, shared by the people living

⁴⁵ Lynn Kuok, “South China Sea Dispute undermines Maritime Security in Southeast Asia”, *Weekly Insights and Analysis*, The Asia Foundation, 23 August 2017.

around it, both Chinese and Southeast Asian, and with an important role to play as a transport route for all the world's merchant and navies."⁴⁶ This is particularly true with respect to the issues of marine environment, living resources, and navigation, which are considered maritime commons.

In this regard, if maritime security is viewed from a human security perspective, coastal states must not only work with each other, but also other stakeholders, including shipping and insurance companies, fishermen's associations, social organisations, environmentalists, oceanographers and scientists, international organisations, and all other users of the sea, to set up a system of good governance of the sea. The involvement of other actors first and foremost reflects the awareness of the root causes of security challenges, which are generally broader than state remedies. In most cases, they are symptoms to be treated rather than the diseases. A case in point: poverty and unemployment might be the root cause of IUU fishing or other criminal activities.⁴⁷ More importantly, a broad-based coalition for sustainable use of the seas and oceans will result in a strong consensus on the need to maintain a stable and fair rules-based order, allowing greater resource mobilisation to support coastal communities, protect the marine ecosystem, and fight transnational terror and crimes effectively.

Equally important, to properly address maritime security, there is a critical need to deal with connectedness among different problems. As the sea is a continuum and fluid, every maritime issue must be dealt with in consideration of its effects on other matters and in the broader framework of collective interests. Besides, it should be noted that the seascape in the near future would be disturbed by the emergence of new genres of technologies, especially autonomous systems, dual-use facilities and devices, laser technologies, horizontal drilling and more. New spaces will be opened up, particularly the seabed, outer space and cyber space. In every circumstance, a rules-based order is very important to making sure that all solutions are fair and balanced. In this regard, rules are made from negotiations, not from imposition through power politics. If this is true, regional arrangements should be encouraged to open a broad-based setting for discussions on updated rules for seas and oceans in the era of the Fourth Industrial Revolution.

⁴⁶ Stein Tønnesson, "Vietnam's objectives in the South China Sea", p. 212.

⁴⁷ Carolin Liss, "New Actor and the State: Addressing Maritime Security Threats in Southeast Asia", p. 152.

ASEAN as “Bridge Builder”

ASEAN is facing a critical moment in which its *raison d'être* is being put to question. The maritime domain, particularly the South China Sea issue, is posing the biggest challenge to ASEAN, pulling its members apart. Different from the past, ASEAN is facing an enormous test case in finding an answer to a flashpoint much larger than its capacity and influence. However, the central question is not how to avoid the issue, but how to deal with it in the right way. The reason is that the Indo-Pacific maritime continuum is critical to the stability of the entire region on which ASEAN is based. An avoidance strategy makes matters worse rather than improved. ASEAN used to be a case for successful regionalism, which is indicative of its pacifying power of integration and solidarity. From this standpoint, there is no point in ASEAN not taking up the banner.

As noted above, ASEAN has been instrumental to keeping the South China Sea a stable and safe ground for all mariners. First, it has involved all major powers in dialogues to uphold the rule of law. In particular, in all relevant statements, ASEAN reiterates the need to comply with international law, including UNCLOS. Second, it has continuously engaged with China since the late 1990s in formulating a code of conduct for the South China Sea with a view to creating a set of rules for upholding the status quo and a framework for provisional cooperation pending final settlements. Third, through regular meetings, ASEAN has created a favourable environment and facilitated direct talks among parties concerned about dispute management and resolution. Fourth, it creates mechanisms to discuss and implement measures to cope with non-traditional security challenges in the maritime domain. Such attempts should be continued.

Yet, what has been done is not sufficient as South China Sea realities are more complex than general principles of international law and stipulations of UNCLOS. It is not easy to invalidate a claim that is deemed excessive. It is even more difficult to monitor and document what happens in vast swathes of water in the South China Sea. It is all the more challenging to bind to and enforce upon a rising power a set of rules and norms that it does not want. All of ASEAN needs to rethink its approach to maritime security and look for boldly innovative ways to somehow address the problems facing the region. Failing to do so would not only deprive ASEAN of its central role in regional politics, but also undermine its future. This is not to say that current ASEAN mechanisms are misled and flawed. These

arrangements are necessary in many ways to build trust, prevent conflicts and manage the existing disputes. Sovereignty still matters. Consensus brings comfort and satisfaction with the final agreements, which serve as the basis for sound implementation. Without these, the Southeast Asian seas would be much more disorderly.

However, it is also fair to say that what has been done is not enough and gaps must be filled. ASEAN should recognise that its members have a range of diverse interests, which could hinder the path toward a common strong position over the South China Sea developments. In this vein, ASEAN centrality does not mean covering up everything. ASEAN should not be bogged down by dealing with specific and sectoral items that are not critical to all member states or regional interests. Instead, it should facilitate and support smaller groupings, or mini-lateral arrangements involving directly concerned countries, to address their own problems. ASEAN could play the role of an overarching manager to make sure all these groupings do not go against ASEAN's basic principles.

Freed of sectoral and parochial affairs, ASEAN needs to place greater focus on critical and regional non-traditional security problems in the maritime domain, which may require some pilot projects beyond the state-centric or national security paradigm, and beyond the geographical bounds of Southeast Asia. The concept of security connectivity gives rise to a broader approach beyond the traditional national security perspective on maritime security. Here, the concept of human security should be adopted, particularly in the field of maritime environment and living resources, which requires urgent, drastic collective actions. It is proposed that ASEAN convenes a Conference on Environmental Protection in East Asian Seas (CEPEAS) as an overarching forum to discuss pathways to revitalise the regional seas. Given the magnitude of environmental degradation in the South China Sea and perhaps East China Sea, a broad-based assembly is necessary to involve all relevant stakeholders in order to prevent further damages and erosions to the oceanic ecosystem and to enhance human security at sea.

As compared to other initiatives, such a convention would have a greater chance to be generally accepted for a number of reasons. First, environmental degradation and fish stocks depletion are generally considered as non-sensitive issues but sufficiently severe for all relevant stakeholders to take urgent actions. Second, as resource is limited, ASEAN needs to prioritise and place emphasis on the areas where it could potentially make

a breakthrough. China has showed keen interest in fostering cooperation in environmental protection. In November 2017, ASEAN and China adopted a declaration on Decade for Protection of Coastal and Marine Environment in the South China Sea.⁴⁸ Third, there are already a number of separate arrangements on the same issues, such as PEMSEA, COBSEA, SEAFDEC, AMF and EAMF. CEPEAS may represent a convergence of relevant functions from existing mechanisms into a primary body on marine environmental protection for more efficient use of resources. Fourth, such a conference is also in line with the stipulation of UNCLOS, specifically Article 123, about obligations to cooperate in semi-closed seas.

If such an initiative can go forward, it would enable the region to tackle long-term challenges to the seas and oceans and also open up other windows for ironing out existing differences and promoting other confidence building measures and functional cooperation. It is time to experiment with a new thinking and a new way of doing things. At this dangerous impasse, doing the wrong thing would be better than doing nothing.

⁴⁸ Janvic Mateo, "China, ASEAN sign 10-year pact on marine protection", *Philstar*, 18 November 2017, <https://www.philstar.com/headlines/2017/11/18/1760369/china-asean-sign-10-year-pact-marine-protection>.

4

Conclusion

Conclusion

Dr. Frederick Kliem

Against the odds, the past five decades have brought continuous prosperity and development to Southeast Asia. This has been made possible by peace and stability in the region, which is a result of more or less cordial cooperation and successive steps of regional integration undertaken by all members of ASEAN. On the basis of this stability, ASEAN has facilitated five decades of socio-economic growth in Southeast Asia. People-to-people exchange is greater than ever and will only increase. ASEAN's market of ca. 630 million people, about 60% under the age of 35, is attractive, and great efforts by all governments and indigenous and global businesses ensure continuing development. Not least thanks to ASEAN, Southeast Asia is a land alive with opportunities.

However, in a region so diverse in terms of ethnicities and religions, stages of development and wealth, and policy preferences and interests, opportunities are as plentiful as challenges. Thus far, more often than not ASEAN's dealing with challenges is inadequate. The three case studies in this publication have all shown that ASEAN is inadequate, because its members have not yet come around to thinking regionally first and nationally second. Whenever ASEAN achieves great success, such as in the case of a regional support response to the devastating Cyclone Nargis in Myanmar, ASEAN has been successful because all were thinking and acting as one united region. This thinking and acting as one collective region, pulling in one direction, must become the norm rather than remain the exception. We saw three challenges of great regional magnitude that could benefit from this pulling in the same direction.

The question of what is security relevant, and hence, what constitutes a threat, depends on political calculations. Southeast Asia is a place of vast movements of regular and irregular migrants. A vast number of those are refugees and individuals trafficked for labour and/or sexual exploitation and forced marriage. Substantial UNHCR figures in Dr. Sriprapha

Petcharamesree's first case study provided undisputable evidence for this. Hence, most ASEAN member countries see a substantial part of human movement as a direct security challenge and, thus, increasingly restrict this movement through migration policies and tight border control. In chapter 3.1, Dr. Sriprapha examined this migration-security nexus in Southeast Asia. She writes that far from being a security challenge only, migration in general could be considered an opportunity or a threat or both, depending on the exact type. Those fleeing from persecution, discrimination or armed conflicts, and irregular labour migrants, perhaps even trafficked for sexual exploitation, are immediately considered security relevant, while the movements of skilled labour and professionals are regarded as an economic opportunity. The ASEAN Political-Security Community (APSC) treats migrating human beings and their safety under the rubric of non-traditional security issues, while the ASEAN Economic Community (AEC) perceives migration as human capital. The ASEAN Socio-Cultural Community (ASCC) highlights the vulnerability of migrants and specifically calls for protection of women, children, youths, elderly, persons with disabilities, migrant workers, and otherwise vulnerable and marginalised groups. Part of the problem of dealing with migration in Southeast Asia is, therefore, that the ASEAN Community established different categories and different frameworks for essentially the same group.

Physical connectivity in the ASEAN region, i.e., greater possibilities for human mobility, achieves its goal well and contributes to a greater movement of people in general. However, the strict perception of national sovereignty when it comes to institutional connectivity prevents ASEAN from agreeing a common ASEAN migration platform to deal with migration challenges as well as to harness its opportunities. Agreements for regional ASEAN frameworks can only ever be reached if the sovereignty of the nation states to determine their own individual policies relating to migration and border control is recognised and the final national decision respected. It is therefore unfortunate that while all related ASEAN documents are supposedly regional frameworks and speak of the promotion and protection of migrants, they never fail to add the caveat concerning the overall primacy of national sovereignty. Moreover, each state has full authority to deal with migrant workers according to its own national law in spite of regional recognition and frameworks of unalienable rights. For example, Dr. Sriprapha shows how the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of

Migrant Workers (ACMW) has been making very slow progress in fulfilling its mandates due to such obstacles. Despite being rather progressive in their pronouncements, ASEAN members cannot agree on regional legally binding instruments and prefer to deal with migration only either internally or bilaterally. Governments often appreciate the economic benefits that migration bestow, but are much less willing to extend human rights protection to those migrants. This corresponds with the security challenges I (intra-ASEAN) and II (transboundary) identified in chapter 2. Both categories are highly relevant to wider regional security and, thus, ought to be an ASEAN matter. Unfortunately, regional cooperation on irregular migration is also severely limited by the identified limitations 1 (ASEAN way) and 2 (mistrust). Dr. Sriprapha has made valuable recommendations in her paper, the most crucial of which are summarised in the Annex. She asked, for instance, whether it may be time for ASEAN to make border security a collective responsibility.

Thereafter, Dr. Vannarith Chheang has looked at the security relevance of scarce resources, water in particular. The sustainable use and protection thereof are increasingly matters of regional security concern in mainland Southeast Asia. Protection against floods and droughts, sustainable development and management of rivers, lakes, and oceans as well as the safeguarding of access to water functions and services for humans and the environment is of vital importance, directly impacting the livelihood of people and the well being of economy and environment. In particular, the Mekong River, sustaining the livelihood and food security of more than 70 million people, is currently being severely mismanaged and has become a source of tensions and conflicts among the riparian countries. The main challenges facing the management of water resources in the Mekong River Basin stem from population growth, rapid development and industrialisation, increasing need for water, food and energy security, unsustainable use of water resources, and climate change. Dr. Vannarith has convincingly shown how the management of the Mekong River is critical for continued ASEAN Community building, especially in terms of narrowing the regional development gap and managing intra-ASEAN security.

Dr. Vannarith diagnosed a silo-type structure of various overlapping, yet not sufficiently synergised Mekong management mechanisms as well as strategic mistrust among the riparians. The latter especially remains a key obstacle to regional cooperation and developing regional solutions. He concluded that resource-driven conflicts in the Mekong region will

seriously harm and destabilise relations among ASEAN countries and its dialogue partners and, thus, directly affect ASEAN political security community building. He finds that, in his view, ASEAN has a critical role to play in building management capacity and preventive and reactive good offices diplomacy. Water security relates to all three pillars of the ASEAN community and ASEAN must strengthen security connectivity in order to create synergies. This highlights the importance of the challenges I (intra-ASEAN) and II (transboundary) identified in chapter 2. Resource management, especially in the Mekong Subregion, would greatly benefit from greater ASEAN attention. Dr. Vannarith shows how regional cooperation on management of scarce resources unfortunately suffers from the identified limitation 2 (mistrust).

In our final case study, Dr. Do Than Hai took on the South China Sea security challenges. Here the nuts and bolts of traditional security in Southeast Asia are at stake, but in the South China Sea ASEAN also faces non-traditional challenges: the escalation of tensions in the maritime domain as well as non-traditional security matters, such as piracy, maritime terrorism, and environmental security. In doing so, Dr. Hai analyses a category III security challenge (great power related), in which a promising ASEAN effort is inhibited by limitation 1 (by design, i.e., the ASEAN way) and 3 (geopolitical limitation).

For over a decade now, territorial disputes in the South China Sea are posing a critical test to ASEAN's *raison d'être* as a regional grouping, Dr. Hai explained. ASEAN has been criticised for its inability to protect its members from coercive and aggressive acts by China, and ASEAN even experienced great internal disorder as a result, for its members continuously fail to produce a meaningful common position over such Chinese acts in the South China Sea.

Most of the maritime challenges in the South China Sea are being viewed from a national security perspective and, thus, all management and solution approaches have thus far been developed within the parameters of sovereignty. The state is still considered as the number one provider of security in the maritime domain. Dr. Hai explained that only states are presumed to have both the resources and capacities to work in and on the maritime space. Second, sovereignty is a critical attribute of states, where governments feel the need to prove their ability to uphold sovereignty by addressing security challenges. The result is that solutions to maritime problems in the South China Sea are often isolated

state-centric responses. Dr. Hai noted, though, that the major powers are also stakeholders and most have dispatched military assets of their own to defend freedom of navigation, conduct joint-training and exercises, and fight against terrorism and piracy in the South China Sea.

Maritime security is a key component of the ASEAN Political-Security Community and the blueprint affirms the need to enhance maritime security and promote maritime cooperation in the ASEAN region and beyond. In his analysis, Dr. Hai found that ASEAN possesses a large number of mechanisms to deal with such traditional and non-traditional maritime security challenges. However, trust among South China Sea littoral states and among ASEAN members have sunk to the lowest level as the region continues to be militarised and Dr. Hai identified maritime issues as a key stumbling block to the greater ASEAN integration, as the failure to produce a joint communiqué at the July 2012 AMM demonstrated. Since then, the South China Sea issue has been the greatest challenge to ASEAN and a test case for ASEAN's viability. ASEAN used to be a case in point for successful regionalism, but an avoidance strategy in the South China Sea adversely affects the group's credibility. Dr. Do Than Hai argues that ASEAN needs to rethink its approach to maritime security and look for boldly innovative ways to address this problem. He is convinced that ASEAN can and should be a bridge builder in the complicated South China Sea disputes. ASEAN should not be bogged down in micro-management of specific sectoral issues, but should instead encourage, facilitate, and support smaller groupings and mini-lateral arrangements involving directly concerned countries to address such issues. ASEAN could play the role of an overarching manager, a benign facilitator, to make sure all these groupings do not go against ASEAN's basic principles.

In sum, all authors and the editor are deeply convinced that a change of thinking must take hold in ASEAN. This book and the case studies within it have called for innovative regional solutions to address regional problems. Innovative solutions require innovative thinking and innovative thinking must begin with recognising the connectivity of challenges. Hitherto, ASEAN's modus operandi is based on the supremacy of national priorities. National thinking and acting is prioritised, and is enshrined in all ASEAN documents. This leads to a default national mode in responding to challenges, whereby national concerns trump all else – may those be economic preferences or aversion against external interference.

This default mode of thinking and acting nationally has been a recurring theme in all three case studies. However, all three case studies have also demonstrated that thinking and acting nationally is no longer sufficient. In an ever-more globalised and connected region, in times of ever-increasing multi-dimensional connectivity, ASEAN members must come around to thinking regionally. Developing regional solutions to regional problems is what ASEAN Security Connectivity is all about. ASEAN is actively promoting Southeast Asian Connectivity and backed it up with a Master Plan. It must now also appreciate the regionalisation of challenges and solutions in a closely connected ASEAN region. One member's security is each other member's security and one member's problem is another member's problem. Of course, national sensitivities and the ASEAN way must be respected and all of ASEAN must move slowly, especially when it comes to sensitive matters of security. Otherwise, ASEAN may break apart entirely. However, in a closely linked region, ASEAN members must be more open to more regional consultation and solutions to what they might have considered internal or strictly bilateral matters previously. In a globalised ASEAN, all stakeholders – be they political, business, or civil society actors – are part of the same singular regional framework of development and cooperation. As such, they all must develop a collective sense of awareness, a spirit of cooperation, and ultimately, a common approach to matters of common interest. This is what the Treaty of Amenity of Cooperation for Southeast Asia, the ASEAN Charter, and the whole ASEAN Community are all about. With this publication, all concerned hope to have made a modest contribution to the spirit of cooperation in Southeast Asia.

Appendix
Policy Recommendations to
the ASEAN Chair 2019 & 2020

Three-plus-Three Recommendations for Greater ASEAN Security Relevance

THERE was clear unanimity among all ASC WG members as to ASEAN's great significance in regional security matters. Indeed, not only is a prominent ASEAN role in regional affairs desirable in general, ASEAN can also be the forum for specific action in cases of mutual concern. Moreover, it is of utmost importance to devise regional solutions for regional problems and the ASC WG believes ASEAN can be the most appropriate platform in most cases. Too much external agency will harm all Southeast Asian states in the long run. However, increasingly, relevant security challenges are being discussed outside the ASEAN process.

GENERALLY, ASEAN must foster and strengthen a multi-stakeholder partnership approach to deal with increasingly complex and interconnected regional security issues, such as water resource security, maritime security, and irregular migration. Here, ASEAN can and ought to be the umbrella institution for such multi-stakeholder collaboration. The most important immediate function of multi-stakeholder forums is to build political will as well as trust, since, unfortunately, after decades of intra-ASEAN and ASEAN-led pan-Asian security cooperation, both such prerequisites are still lacking; not least because of external pull factors.

A SECOND consideration was the apparent relative inefficacy of existing institutions. Hence, it was considered of utmost importance to prioritise institutional innovation, thus striving to maximise the value of existing institutions. In particular, in the maritime realm, a multitude of institutions exist, most of which are producing suboptimal deliverables, reinforcing the notion of ASEAN as a "talk shop".

A THIRD major issue was the inability to attain common positions among the ASEAN-ten, which is often the prerequisite to all ASEAN action. The so-called "ASEAN Way", especially the principles of consensus and non-interference, poses challenges in terms of efficacy. Questions revolve around how to achieve consensus among a heterogeneous group of ten nation states, while placing a premium on national sovereignty. Good office diplomacy as well as ASEAN-minus formats are worthwhile avenues to be explored in the medium term.

Final Recommendations for Enhance ASEAN Cooperation

After a long deliberative process, the ASC WG agreed on **three general, broader structural recommendations**. Those were agreed upon against the backdrop of all the workshops and the related discussions on and off the conference track, as well as the information provided by the research leaders of the respective case studies on ASEAN security cooperation on the ground.

These general recommendations for ASEAN going forward were further developed to include **three narrow, issue-specific policy recommendations** exclusively pertaining to the three case studies, namely irregular migration, water resource security in the Mekong, and maritime security. These specific recommendations are the sole responsibility of the respective research leaders and the editor in charge.

 **GENERAL RECOMMENDATIONS**

1. *Statements and Communiqués*

ASEAN Should Abolish Unanimity Requirements for ASEAN Statements and Communiqués

The ASC WG believes that public issuance of ASEAN communications, such as the ASEAN chair's and the joint statements and communiqués, should not depend on the unanimity of all ASEAN Member States. Hence, ASC WG recommends that henceforth all ASEAN statements should be reflective of the diversity of views among Member States. Moreover, a Member State should be able to express reservations to a statement agreed by a majority of ASEAN Member States, if it desires to do so. This, however, ought not to result in non-issuance, but ought to be reflected and named in the document. This is to do justice to the true divergence of opinion and

to allow statements to be a more "honest" and accurate representation of heterogeneity. Divergent opinions are not an obstacle to effective policymaking; they are in fact a requirement and an accelerator of democratic and inclusive policy progress.

The Government of Thailand as well as the Government of Vietnam, as the ASEAN Chair in 2019 and 2020 respectively, are encouraged to promote discussions on this issue during relevant ASEAN meetings.

2. Charter Review

The Permitted Regular Review of the 2007/8 Charter Should Be Effectively Implemented; Specifically the Institutionalisation of the Regular Review of ASEAN Decision-Making Principles.

Sound regulations and directives are dependent on the context of political culture, time, and leadership. Political processes must be able to account for change. Hence, the Charter ought to be an organic, living document, reflective of political, societal, and technological developments. ASEAN should implement the periodic review of the Charter, as allowed for in that same document's Article 50, Chapter XIII. Specifically, a review should concentrate on the decision-making process and the review working group should regularly evaluate the possibility and the merits of different decision-making reform proposals, including adopting the ASEAN-X modality across all community pillars. While the ASEAN Charter states consensus as a general rule (Article 20, Chapter VII), it does not specifically call for this to be the

unwavering *modus operandi* of all ASEAN processes, especially smaller forums that may benefit from a Charter review. Moreover, ASEAN-X is already practised in the AEC pillar and it is worth experimenting with in the other two pillars too.

The Government of Thailand as well as the Government of Vietnam, as the ASEAN Chair in 2019 and 2020 respectively, should appoint an Eminent Persons Group (EPG) of ASEAN elders, comprised of accomplished former ASEAN foreign ministers, to issue a report and recommendations in this regard.

3. ASEAN-Sanctioned Mini-laterals

ASEAN Should Allow for Member States to Cooperate within Mini-lateral Formats on Specific Issues Without Losing ASEAN Ownership.

On issues that directly affect the interests of only a sub-set of ASEAN Member States, those countries should be able to form a mini-lateral group under the auspices of ASEAN. This should not be seen as undermining ASEAN as a whole, but should, in fact, be seen as supportive of ASEAN agency and relevance. ASEAN will be increasingly regarded as irrelevant, eroding support for regional processes, if critical matters within its de facto jurisdiction are approached and solved by actors outside of ASEAN or, worse even, by ASEAN Member States that choose to cooperate with parties outside of ASEAN, having exploited ASEAN avenues to no avail. Hence, the greater the number of relevant security issues being worked on under the ASEAN banner, the better for ASEAN. Regional solutions for regional problems must take place under the ASEAN banner. The underlying assumption is that a minority of disinterested or otherwise objecting Member States should not block ASEAN progress on issues that a majority of Member States consider of vital importance. Non-participating Member States will at all times have

the opportunity to join the process at a later stage.

The conditions under which such ASEAN-sanctioned mini-laterals can be regarded as ASEAN processes are subject to negotiations, but it is recommended to make it dependent on at least three ASEAN Member States not objecting, and at least five ASEAN Members States willing to form a mini-lateral. Moreover, there must be ASEAN ownership of such arrangements. ASEAN should be the facilitator for such cooperation, offering good offices, and ASEAN participation must be safeguarded by attendance and endorsement of the Secretary General of ASEAN and the EPG, recommended above.

The Government of Thailand as well as the Government of Vietnam, as the ASEAN Chair in 2019 and 2020 respectively, should appoint an Eminent Persons Group of ASEAN elders, comprised of accomplished former ASEAN foreign ministers, to issue a report and recommendations in this regard.



ISSUE-SPECIFIC RECOMMENDATIONS

1. Migration

ASEAN Should Include the Issue of Migration on their Formal Meeting Agendas and Discuss Holistic Human Rights-based Migration Governance in the Region.

The issue of migration is not new to ASEAN. A growing number of people are seeking asylum and jobs for security and a better life and this trend is continuing. In fact, the situation of migration around the region is persistent and increasingly becoming a regional phenomenon. Despite this fact, ASEAN as a group has been rather silent on this issue, with little public disclosure and even less discussion. However, since 2015, ASEAN has come to realise that migration, in whatever forms, if not properly and consistently addressed, contributes directly to, and can be exacerbated by, smuggling, trafficking, and transnational crimes; issues that ASEAN has committed itself to eliminate. If the situation persists it will have permanent and intensifying nega-

tive impacts on both national and human security in the countries in the region. Therefore, “a collective, coordinated regional response to challenges associated with both sudden and ongoing episodes of displacement, regardless of causes” is still needed in the region. ASEAN is recommended to include the issue of migration in their formal meeting agendas to discuss regional solutions to regional issues. This could be done through existing regional mechanisms such as AICHR, SOMTC or AMM using existing regional frameworks such as AHRD, ACTIP and/or the ASEAN Charter as platforms.

2. Resource Security – Water Management

ASEAN Should Form a Common Position on Water Resource Security, Particularly on the Mekong River.

In the first instance, the Mekong countries are facing challenges such as increasing demand for water (drinking and agriculture), energy, and food resources. Such challenges are compounded by a lack of political trust and information sharing, a lack of policy coordination and synergy between regional and sub-regional institutions and mechanisms, and the general absence of a rules-based water management system. ASEAN is suitable as a forum to address such questions and should form a common position on water resource security, particularly on the Mekong River. The implementation of rules-based and knowledge-based solutions to trans-boundary water resource management is critical to promoting ASEAN's normative power as a rules-based intergovern-

mental organisation. It is suggested that ASEAN and the Mekong River Commission (MRC) should further strengthen cooperation in five areas, namely, enhancing institutional synergy and connectivity between ASEAN and the MRC, connecting security issues (water-food-energy security nexus), connecting stakeholders (national and local governments, private corporations, and civil society organisations), connecting knowledge (information sharing and lessons learned), and developing a code of conduct for the Mekong River (including confidence-building measures, preventive diplomacy and conflict-resolution measures).

3. Maritime Security

ASEAN Should Sponsor and Convene a Conference on Environmental Protection in East Asian Seas (CEPEAS).

ASEAN is facing a critical moment in which its *raison d'être* is being called into question, in particular in the maritime realm. ASEAN ought to rethink its approach to maritime security and look for boldly innovative ways to remain the centre of regional maritime security management. A broad and inclusive, ASEAN-led CEPEAS could revitalise the security processes for the regional seas, by being an East Asia-wide multi-stakeholder forum, including all relevant stakeholders. CEPEAS should be an pan-region overarching forum to replace, not add to, marine environmental protection and fishery management by extracting relevant functions from the existing ASEAN Maritime Forum (AMF), Extended Expanded ASEAN Maritime Forum (EAMF), Coordinating Body on the Seas of East Asia (COBSEA), Partnership in Environmental Management for the Seas of East Asia (PEMSEA), Southeast Asian Fisheries Development Centre (SEAFDEC), and ASEAN Regional

Forum (ARF). CEPEAS, which should be participated by all concerned stakeholders, regional and extra-regional states, relevant international organisations and agencies, representatives from key marine-based businesses, mariners, and fisheries communities, and pre-eminent scientists, has the potential to create common understanding of the environmental state of affairs in the East Asian Seas and to push for breakthroughs in galvanising region-wide efforts to reverse the current course of competitive policies which are detrimental to the marine ecosystem. This initiative is likely to be supported by all ASEAN members as well as all Northeast Asian states, and will be hailed by external powers and international organisations as it tackles one of the most urgent and critical menace to the maritime commons of the region.

Contributors

Contributors

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Dr. Vannarith Chheang has over a decade of work experience as a geopolitical and geo-economic analyst, with a focus on Southeast Asia. He was honoured a Young Global Leader by the World Economic Forum in 2013. He is currently the President of Asian Vision Institute where he leads projects on geopolitical risk analysis, governance innovation, and UN Sustainable Development Goals. He was the Executive Director of the Cambodian Institute for Cooperation and Peace from 2009 to 2013 and a lecturer of Asia Pacific studies at the University of Leeds (UK) from 2013 to 2016, and a Southeast Asia Consultant at the Nippon Foundation (Tokyo) from 2016 to 2018. He was also a visiting fellow at IDE-JETRO (Japan), East West Center (US), China Institute of International Relations (China), and ISEAS-Yusof Ishak Institute (Singapore). Dr. Chheang got his BA in International Relations from the Diplomatic Academy of Vietnam in 2002, MA in International Relations from the International University of Japan in 2006, Graduate in Leadership from the East West Center in 2008, and PhD in Asia Pacific Studies from the Ritsumeikan Asia Pacific University in 2009.

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