ANNEXURES
The ASEAN Regional Forum: A Concept Paper

Introduction

1. The Asia-Pacific region is experiencing an unprecedented period of peace and prosperity. For the first time in a century or more, the guns are virtually silent. There is a growing trend among the states in the region to enhance dialogue on political and security cooperation. The Asia-Pacific is also the most dynamic region of the world in terms of economic growth. The centre of the world's economic gravity is shifting into the region. The main challenge of the ASEAN Regional Forum (ARF) is to sustain and enhance this peace and prosperity.

2. This is not an easy challenge. The region has experienced some of the most disastrous wars of the twentieth century. It is also a remarkably diverse region where big and small countries co-exist. They differ significantly in levels of development. There are cultural, ethnic, religious and historical differences to overcome. Habits of cooperation are not deep-seated in some parts of the region.

3. ASEAN has a pivotal role to play in the ARF. It has a demonstrable record of enhancing regional cooperation in the most diverse sub-region of the Asia-Pacific. It has also fostered habits of cooperation and provided the catalyst for encouraging regional cooperation in the wider Asia-Pacific region. The annual ASEAN Ministerial Meetings have contributed significantly to the positive regional environment today. There would be great hope for the Asia-Pacific if the whole region could emulate ASEAN's record of enhancing the peace and prosperity of its participants.

4. Although ASEAN has undertaken the obligation to be the primary driving force of the ARF, a successful ARF requires the active participation and cooperation of all participants. ASEAN must always be sensitive to and take into account the interests and concerns of all ARF participants.

The Challenges

5. To successfully preserve and enhance the peace and prosperity of the region, the ARF must dispassionately analyse the key challenges facing the region. Firstly, it should acknowledge that periods of rapid economic growth are often accompanied by significant shifts in power relations. This can lead to conflict. The ARF will have to carefully manage these transitions to preserve the peace. Secondly, the region is remarkably diverse. The ARF should recognise and accept the different approaches to peace and security and try to forge a consensual approach to security issues.
Thirdly, the region has a residue unresolved territorial and other differences. Any one of these could spark conflagration that could undermine the peace and prosperity of the region. Over time, the ARF will have to gradually defuse these potential problems.

6. It would be unwise for a young and fragile process like the ARF to tackle all these challenges simultaneously. A gradual evolutionary approach is required. This evolution can take place in three stages:

Stage I: Promotion of Confidence-Building Measures

Stage II: Development of Preventive Diplomacy Mechanisms

Stage III: Development of Conflict-Resolution Mechanisms

7. The participants of the first ARF Ministerial Meeting in Bangkok in July 1994 agreed on "the need to develop a more predictable and constructive pattern of relations for the Asia-Pacific region". In its initial phase, the ARF should therefore concentrate on enhancing, the trust and confidence amongst participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region.

Stage I: Promotion of Confidence-Building Measures

8. In promoting confidence-building measures, the ARF may adopt two complementary approaches. The first approach derives from ASEAN's experience, which provides a valuable and proven guide for the ARF. ASEAN has succeeded in reducing, tensions among, its member states, promoting region cooperation and creating a regional climate conducive to peace and prosperity without the implementation of explicit confidence-building measures, achieving conditions approximating those envisaged in the Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN). The concepts of ZOPFAN and its essential component, the Southeast Asia Nuclear Weapons-Free Zone (SEANFWZ), are significantly contributing to regional peace and stability. ASEAN's well established practices of consultation and consensus (musyawarah and mufakat) have been significantly enhanced by the regular exchanges of high-level visits among ASEAN countries. This pattern of regular visits has effectively developed into a preventive diplomacy channel. In the Asian context, there is some merit to the ASEAN approach. It emphasises the need to develop trust and confidence among neighbouring states.

9. The principles of good neighbourliness, which are elaborated in the concept of ZOPFAN, are enshrined in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC). One simple concrete way of expanding the ASEAN experience is to
encourage the ARF participants to associate themselves with the TAC. It is significant that the first ARF meeting in Bangkok agreed to "endorse the purposes and principles of ASEAN Treaty of Amity and Cooperation in Southeast Asia as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation."

10. The second approach is the implementation of concrete confidence-building measures. The first ARF meeting, in Bangkok entrusted the next Chairman of the ARF, Brunei Darussalam, to study all the ideas presented by ARF participants and to also study other relevant internationally recognised norms, principles and practices. After extensive consultations, the ASEAN countries have prepared two lists of confidence-building measures. The first list (Annex A) spells out measures which can be explored and implemented by ARF participants in the immediate future. The second list (Annex B) is an indicative list of other proposals which can be explored over the medium and long-term by ARF participants and also considered in the immediate future by the Track Two process. These lists include possible preventive diplomacy and other measures.

11. Given the delicate nature of many of the subjects being considered by the ARF, there is merit in moving, the ARF process along two tracks. Track One activities will be carried out by governments. Track Two activities will be carried out by strategic institutes and non-government organisations in the region, such as ASEAN-ISIS and CSCAP. To be meaningful and relevant, the Track Two activities may focus, as much as possible, on the current concerns of the ARF. The synergy between the two tracks would contribute greatly to confidence-building measures in the region. Over time, these Track Two activities should result in the creation of a sense of community among participants of those activities.

Moving Beyond Stage 1

12. There remains a residue of unresolved territorial and other disputes that could be sources of tension or conflict. If the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges. The ARF meeting in Bangkok demonstrated this by taking a stand on the Korean issue at the very first meeting. This was a signal that the ARF is ready to address any challenge to the peace and security of the region.

13. Over time, the ARF must develop its own mechanisms to carry preventive diplomacy and conflict-resolution. In doing so, the ARF will unique challenges. There are no established roads or procedures for it to follow. Without a high degree of confidence among ARF participants, it is unlikely that they will agree to the
establishment of mechanisms which are perceived to be intrusive and/or autonomous. This is a political reality the ARF should recognise. However, it would be useful in the initial phase for the Track Two process to consider and investigate a variety of preventive diplomacy and conflict-resolution mechanisms. A good start was made with the three workshops organised by International Studies Centre (Thailand) and Institute of Policy Studies (Singapore) on ASEAN-UN Cooperation for Peace and Preventive Diplomacy, and the Indonesia-sponsored series off workshops on the South China Sea.

Stage II: Development of Preventive Diplomacy

14. Preventive diplomacy would be a natural follow-up to confidence building measures. Some suggestions for preventive diplomacy measures are spelled out in Annexes A and B.

Stage III: Conflict Resolution

15. It is not envisaged that the ARF would establish mechanisms conflict resolution in the immediate future. The establishment of such mechanisms is an eventual goal that ARF participants should pursue as they proceed to develop the ARF as a vehicle for promoting regional peace and stability.

Organisation of ARF activities

16. There shall be an annual ARF Ministerial Meeting, in an ASEAN capital just after the ASEAN Ministerial Meeting. The host country will chair the meeting. The incoming Chairman of the ASEAN Standing Committee will chair all inter-sessional Track One activities of the ARF.

17. The ARF shall be apprised of all Track Two activities through the current Chairman of the Track One activities, who will be the main link between Track One and Track Two activities.

18. In the initial phase of the ARF no institutionalisation is expected. Nor should a Secretariat be established in the near future. ASEAN shall be the repository of all ARF documents and information and provide the necessary support to sustain ARF activities.
19. The participants of the ARF comprise the ASEAN member states, the observers, and consultative and dialogue partners of ASEAN. Applications to participate in the ARF shall be submitted to the Chairman of the ARF who will then consult the other ARF participants.

20. The rules of procedure of ARF meetings shall be based on prevailing, ASEAN norms and practices. Decisions should be made by consensus after careful and extensive consultations. No voting will take place. In accordance with prevailing ASEAN practices, the Chairman of the ASEAN Standing Committee shall provide the secretarial support and coordinate ARF activities.

21. The ARF should also progress at a pace comfortable to all participants. The ARF should not move "too fast for those who want to go slow and not too slow for those who want to go fast".

Conclusion

22. ARF participants should not assume that the success of the ARF can be taken for granted. ASEAN's experience shows that success is a result of hard work and careful adherence to the rule of consensus. ARF participants will have to work equally hard and be equally sensitive to ensure that the ARF process stays on track.

23. The ARF must be accepted as a "sui generis" Organisation. It has no established precedents to follow. A great deal of innovation and ingenuity will be required to keep the ARF moving forward while at the same time ensure that it enjoys the support of its diverse participants. This is a major challenge both for the ASEAN countries and other ARF participants. The UN Secretary-General's "Agenda for Peace" has recognised that "just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adjust to the realities of each case with flexibility and creativity".
ANNEX A

I. CONFIDENCE-BUILDING MEASURES

Principles

1. The development of a set of basic principles to ensure a common understanding and approach to interstate relations in the region; and

2. Adoption of comprehensive approaches to security.

Transparency

3. Dialogue on security perceptions, including voluntary statements defence policy positions;

4. Defence Publications such as Defence White Papers or equivalent documents as considered necessary by respective governments;

5. Participation in UN Conventional Arms Register;

6. Enhanced contacts, including, high level visits and recreational activities;

7. Exchanges between military academies, staff colleges and training;

8. Observers at military exercises, on a voluntary basis; and

9. Annual seminar for defence officials and military officers on selected international security issues.

II. PREVENTIVE DIPLOMACY

1. Develop a set of guidelines for the peaceful settlement of disputes, taking into account the principles in the UN Charter and the TAC;

2. Promote the recognition acceptance of the purposes and principles of the TAC and its provisions for the Pacific settlement of disputes, as endorsed by the UNGA in Resolution 47/53 (B) on 9 December 1992; and

3. Seek the endorsement of other countries for the ASEAN Declaration on the South China Sea in order to strengthen its political and moral effect (as endorsed by the Programme of Action for ZOPFAN).

III. NON-PROLIFERATION AND ARMS CONTROL

1. Southeast Asia Nuclear Weapons-Free Zone (SEANWFZ).
IV. PEACEKEEPING

1. Seminars/Workshops on peacekeeping issues; and

2. Exchange of information and experience relating to UN Peacekeeping Operations.

V. MARITIME SECURITY COOPERATION

1. Disaster Prevention
ANNEX B

I. CONFIDENCE-BUILDING MEASURES

1. Further exploration of a Regional Arms Register;

2. Regional security studies centre/ coordination of existing security studies activities;

3. Maritime information databases;

4. Cooperative approaches to sea lines of communication, beginning with exchanges of information and training in such areas as search and rescue, piracy and drug, control;

5. Mechanism to mobilise relief assistance in the event of natural disasters;

6. Establishment of zones of cooperation in areas such as the South China Sea;

7. Systems of prior notification of major military deployments that have region-wide application; and

8. Encourage arms manufacturers and suppliers to disclose the destination of their arms exports.

II. PREVENTIVE DIPLOMACY

1. Explore and devise ways and means to prevent conflict;

2. Explore the idea of appointing Special Representatives, in consultation with ARF members, to undertake fact-finding missions, at the request of the parties involved to an issue, and to offer their good offices, as necessary; and

3. Explore the idea of establishing, a Regional Risk Reduction Centre as suggested by the UN Secretary-General in his Agenda For Peace and as commended by UNGA Resolution 47/120 (see section IV, operative para 4). Such a centre could serve as a database for the exchange of information.

III. NON-PROLIFERATION AND ARMS CONTROL

1. A regional or sub-regional arrangement agreeing not to acquire or deploy ballistic missiles.

IV. PEACEKEEPING

1. Explore the possibility of establishing a peacekeeping centre.
V. MARITIME SECURITY COOPERATION

1. A multilateral agreement on the avoidance of naval incidents that apply to both local and external navies;

2. Sea Level/Climate Monitoring System;

3. Establishment of an ASEAN Relief and Assistance Force and a Maritime Safety (or Surveillance) Unit to look after the safety of the waters in the region;

4. Conventions on the Marine Environment
   - Dumping of Toxic Wastes
   - Land-based Sources of Marine Pollution;

5. Maritime surveillance; and

6. Explore the idea of joint marine scientific research.
A Concept Paper on
Enhancing Ties between Track I and Track II in the ARF, and between the ARF and Other Regional and International Security Organizations

Background

1. At the 12th ARF on 29 July 2005 in Vientiane, the Ministers emphasized the need to continue strengthening ties with other regional and international security organizations as well as linkages between Track I and Track II.

2. In accordance with the discussion at the ARF ISG Meeting in Honolulu on 17-19 October 2005, this paper attempts to provide some further guidelines and procedures to give expression to the Ministers’ decision, building upon recommendations from previous ARF meetings and related papers, which include, inter alia, “Enhanced Role of the ARF Chair: Shared Perspectives among ARF Members,” Brunei Darussalam’s “Stocktaking of the ARF Process and Recommendations,” Canada’s “Discussion Paper on Strengthening Linkages Between Track I and Track II in the ARF Context,” and Russia’s “Draft Concept Paper on ARF-SCO.”

Strengthening Linkages between Track I and Track II

3. Since the 1995 ARF Concept Paper decided to move the ARF process along two tracks, there have been many Track II activities.¹ The results of some have been reported to the ARF and some inputs have also been incorporated by Track I. An example is Singapore’s “Concept Paper on Preventive Diplomacy” adopted at the 8th ARF, which refers to CSCAP’s proposal on the definition of Preventive Diplomacy (PD).

4. It is understood that all decisions with regard to enhancing linkages between Track I and Track II would be undertaken by consensus in accordance with the principle of respect to ARF participants’ sovereignty and non-interference in their internal affairs and take into account the comfort level of all ARF participants. As such, contacts with Track II would not prejudge ARF participants’ policies towards such organizations. Further modalities of linkages between the ARF and various Track II organizations may differ, without one case necessarily setting a precedent for another.

Formats and Procedures

5. With respect to strengthening linkages between Track I and Track II, priority should at this stage be given to CSCAP and ASEAN-ISIS in the following manners:

- Inviting chairs of CSCAP and ASEAN-ISIS to the ISG on CBMs and PD meeting to give a presentation of written report(s) on their work, which reflect

¹ Track II activities have been compiled by the ARF Unit and the list appears on the ARF Net (www.aseanregionalforum.org).
the consensus of their respective members and with prior consultation and consent of ARF participants. The ISG co-chairs would make every effort to ensure that Track II invitees do not raise sensitive issues;

- Reporting Track II activities that are sponsored by ARF participants to the ARF Chair;
- Circulating to ARF participants a compilation of CSCAP and ASEAN-ISIS recommendations made by consensus of their respective members;
- Including Track II experts, when judged appropriate by individual ARF participants, on the participant's national delegations to ARF CBMs, with the understanding that these individuals agree in advance to respect the non-public character of the discussions and that participants include only individuals from their own country(s). The co-chairs of CBMs would make every effort to ensure that such experts do not raise sensitive issues.

6. As the Guidelines for the Operation of the ARF EEPs has been adopted by the 11th ARF, the ARF will consider the EEPs as its major Track II resources for studying possible links/overlaps between Track II recommendations and those of Track I activities and pursuing deeper discussions on a particular issue(s), including on Preventive Diplomacy.

**Strengthening Ties between the ARF and other Regional and International Security Organizations**

7. Since the 6th ARF endorsed the recommendations on the “enhanced role of the ARF Chairman” in liaising with external parties, including other regional organizations, the ARF Chair has initiated informal contact with other organizations such as United Nations, the OAS (Organization of American States), the OSCE (Organization for Security and Cooperation in Europe) and the NAM (Non-Aligned Movement).

8. Other organizations are doing likewise. In line with its Tashkent initiative to gradually establish a partnership network of multilateral associations active in the Asia Pacific region, the SCO (Shanghai Cooperation Organization) has expressed interest in establishing links with the ARF. The OSCE and the CICA (Conference on Interaction and Confidence Building Activities in Asia) are exploring the modalities for conducting a seminar jointly.

**Format and Procedures**

9. Based on the agreement that contacts between the ARF and external parties should be carried out for the sharing of information and experiences with prior consultation with all ARF members and their consent, ARF may, at the initial stage, wish to develop contacts with the UN, SCO, CICA, NAM, OAS and OSCE on issues relevant to its work. For the UN, such bodies as UN Office for Drugs and Crime and the Counter-Terrorism Executive Directorate may be given special consideration in view of the significance given by ARF to the related issues.
10. In view of the differing characteristics of various regional and international security organizations, ARF may have to consider the issue of enhancing linkages with specific organizations on a case-by-case basis and in an incremental manner. Modalities of linkages between the ARF and various organizations may differ, without one case necessarily setting a precedent for another. In principle, the external parties with which the ARF may wish to engage should be significant organizations or processes that are deemed of immediate relevance to the ARF and its particular CBM-PD activities.

11. Subject to the above guidelines, preliminary suggestions for ARF contact with such regional and international security organizations include:

a. Promoting contacts between the ARF Unit and the Secretariats, or between the ARF Chair and the Chairs of other organizations;
b. Inviting experts from other organizations to provide briefings to ARF ISG, ISM, or CBM activities on specific issues of interest to the ARF, on a case-by-case basis;2

c. Conducting joint discussions on an informal and voluntary basis;3
d. Encouraging ARF participants that are also members of other organizations to disseminate information on activities and outcomes of the ARF in those organizations and vice versa.

Review

12. The above Format and Procedures for enhancing ties between Track I and Track II in the ARF, and between the ARF and other regional and international security organizations shall be subject to review whenever the need arises.

2 This was the case with the presence of a representative from the OSCE Action Against Terrorism Unit to the ISG in Berlin/Potsdam in 2005 and a representative of SCO to the 4th ISM on CT/TC in 2006.

3 An example of this was when OSCE and ARF participants met informally at the sideline of the ARF Workshop on Preventive Diplomacy in Tokyo in 2004. Thailand, as host, invited ARF participants to attend the OSCE Thailand Conference, on 25-26 April 2006, Bangkok.
ASEAN Declaration On The South China Sea  
Manila, Philippines, 22 July 1992

WE, the Foreign Ministers of the member countries of the Association of South Asian Nations;

RECALLING the historic, cultural and social ties that bind our peoples as states adjacent to the South China Sea;

WISHING to promote the spirit of kinship, friendship and harmony among peoples who share similar Asian traditions and heritage;

DESIROUS of further promoting conditions essential to greater economic cooperation and growth;

RECOGNIZING that we are bound by similar ideals of mutual respect, freedom of sovereignty and jurisdiction of the parties directly concerned;

RECOGNIZING that South China Sea issues involve sensitive questions of sovereignty and jurisdiction of the parties directly concerned;

CONSCIOUS that any adverse developments in the South China Sea directly affect peace and stability in the region.

HEREBY

1. EMPHASIZE the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force;

2. URGE all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes;

3. RESOLVE, without prejudicing the sovereignty and jurisdiction of countries having direct interests in the area, to explore the possibility of cooperation in the South China Sea relating to the safety of maritime navigation and communication, protection against pollution of the marine environment, coordination of search and rescue operations, efforts towards combating piracy and armed robbery as well as collaboration in the campaign against illicit trafficking in drugs;

4. COMMEND all parties concerned to apply the principles contained in the Treaty of Amity and Cooperation in Southeast Asia as the basis for establishing a code of international conduct over the South China Sea;

5. INVITE all parties concerned to subscribe to this Declaration of principles.
Signed in Manila, Philippines, this 22nd day of July, nineteen hundred and ninety-two.

HRH Prince Mohamed Bolkiah  
MINISTER OF FOREIGN AFFAIRS  
BRUNEI DARUSSALAM

Ali Alatas  
MINISTER FOR FOREIGN AFFAIRS  
REPUBLIC OF INDONESIA

Datuk Abdullah Bin Haji Ahmad Badawi  
MINISTER OF FOREIGN AFFAIRS  
MALAYSIA

Raul S. Manglapus  
SECRETARY OF FOREIGN AFFAIRS  
REPUBLIC OF THE PHILIPPINES

Wong Kan Seng  
MINISTER FOR FOREIGN AFFAIRS  
REPUBLIC OF SINGAPORE

Arsa Sarasin  
MINISTER OF FOREIGN AFFAIRS  
KINGDOM OF THAILAND
DECLARATION ON THE CONDUCT OF STATES IN THE SOUTH CHINA SEA

The Governments of the Member States of ASEAN and the Government of the People's Republic of China, REAFFIRMING their determination to consolidate and develop the friendship and cooperation between the governments with the view to promoting a 21st century-oriented partnership of good邻居; COGNIZANT of the need to promote a peaceful, friendly and harmonious environment in the South China Sea for the enhancement of peace, stability, economic growth and prosperity in the region; COMMITTED to enhancing the principles and objectives of the 1997 Joint Statement of the Member States of ASEAN and President of the People's Republic of China; DESIRING to enhance favourable conditions for a peaceful and durable solution of disputes that may arise; HEREBY DECLARE the following:

1. The Parties reaffirm their commitment to the purposes and principles of the Charter on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, the universally recognized principles of international law which shall serve as the basic norms for their conduct in the South China Sea.

2. The Parties are committed to exploring ways for building trust and confidence in the South China Sea on the basis of equality and mutual respect;

3. The Parties reaffirm their respect for and commitment to the freedom of navigation provided for by the universally recognized principles of international law, including the UNCLOS;

4. The Parties concerned undertake to resolve their territorial and jurisdictional disputes, through friendly consultations and negotiations by sovereign states, in accordance with the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

5. The Parties undertake to exercise self-restraint in the conduct of activities that would threaten peace and stability in the South China Sea, including, among others, refraining from action of inhabiting on the islands, and other features and to handle their differences in a constructive manner.

Pending the peaceful settlement of territorial and jurisdictional disputes, the Parties commit themselves to ways, in the spirit of cooperation and understanding, to build trust and confidence between them.
a. holding dialogues and exchange of views as appropriate between their defense an-
b. ensuring just and humane treatment of all persons who are either in danger or in di-
c. notifying, on a voluntary basis, other Parties concerned of any impending joint/com-
d. exchanging, on a voluntary basis, relevant information.

6. Pending a comprehensive and durable settlement of the disputes, the Parties conc-
activities. These may include the following:

a. marine environmental protection;
b. marine scientific research;
c. safety of navigation and communication at sea;
d. search and rescue operation; and
e. combating transnational crime, including but not limited to trafficking in illicit drugs,
in arms.

The modalities, scope and locations, in respect of bilateral and multilateral cooperati-
concerned prior to their actual implementation.

7. The Parties concerned stand ready to continue their consultations and dialogues co-
be agreed by them, including regular consultations on the observance of this Declara-
eighbourliness and transparency, establishing harmony, mutual understanding and di-
disputes among them;

8. The Parties undertake to respect the provisions of this Declaration and take action:

9. The Parties encourage other countries to respect the principles contained in this D-

10. The Parties concerned reaffirm that the adoption of a code of conduct in the Sou-
stability in the region and agree to work, on the basis of consensus, towards the ever-

Done on the Fourth Day of November in the Year Two Thousand and Two in P
For Brunei Darussalam

Mohamed Bolkiah
Minister of Foreign Affairs

For the Kingdom of Cambodia

HOR Namhong
Senior Minister and Minister of Foreign Affairs and International Cooperation

For the Republic of Indonesia

Dr. Hassan Wirayuda
Minister for Foreign Affairs

For the Lao People’s Democratic Republic

Somsavat Lengsavad
Deputy Prime Minister and Minister for Foreign Affairs

For Malaysia

Datuk Seri Syed Hamid Albar
DECLARATION ON TERRORISM
BY THE 8TH ASEAN SUMMIT

1. We, the Heads of State and Government of the Association of Southeast Asian Nations, condemn the heinous terrorist attacks in Bali, Indonesia, and in the Philippine cities of Zamboanga and Quezon. We extend our deepest sympathies to the families of those who died and to those who were injured. We express the solidarity of our countries with Indonesia and the Philippines and ASEAN’s full support for their determined pursuit of the terrorist elements responsible for the attacks. We commend Indonesia and the Philippines for their efforts to curtail terrorism within their borders and for their determination to step up those efforts.

2. We denounce once again the use of terror, with its toll on human life and society, in many places around the world for whatever cause and in the name of whatever religious or ethnic aspiration. We deplore the tendency in some quarters to identify terrorism with particular religions or ethnic groups.

3. We are determined to carry out and build on the specific measures outlined in the ASEAN Declaration on Joint Action to Counter Terrorism, which we adopted in Brunei Darussalam in November 2001. We resolve to intensify our efforts, collectively and individually, to prevent, counter and suppress the activities of terrorist groups in the region. The ASEAN countries shall continue with practical cooperative measures among ourselves and with the international community.

4. We welcome Thailand’s accession to the Agreement on Information Exchange and Exchange of Communication Procedures. We commend our law-enforcement authorities for the cooperative work that has resulted in the arrest of persons plotting to commit acts of terrorism and in otherwise preventing such acts. We direct them to continue to intensify their cooperation in combating terrorism and, in particular, in expeditiously carrying out the Work Plan adopted by the Special ASEAN Ministerial Meeting on Terrorism in Kuala Lumpur in May 2002, raising the level of cooperation, coordination and the sharing of information in the fight against terrorism.

5. We look forward to the following activities:

the International Conference on Anti-Terrorism and Tourism Recovery in Manila next week;
the Regional Conference on Combating Money-Laundering and Terrorist Financing in Bali in December 2002;
the Intersessional Meeting on Terrorism of the ASEAN Regional Forum in Kota Kinabalu, Sabah, Malaysia, in March 2003;
the ASEAN Ministerial Meeting on Transnational Crime with ministerial counterparts from China, Japan and the Republic of Korea in Bangkok in October 2003; and

the establishment of the Regional Counter-terrorism Center in November 2002 in Kuala Lumpur.

6. We call on the international community to avoid indiscriminately advising their citizens to refrain from visiting or otherwise dealing with our countries, in the absence of established evidence to substantiate rumors of possible terrorist attacks, as such measures could help achieve the objectives of the terrorists.

7. We urge the international community to support ASEAN's efforts to combat terrorism and restore business confidence in the region. We are determined to cooperate actively in mitigating the adverse impact of terrorist attacks on ASEAN countries and urge the international community to assist us in these efforts.

8. We resolve to ensure the security and harmony of our societies and the safety of our peoples and also of others who are in our countries and in the region.

(ASEAN Leaders adopted the Declaration at their working dinner in Phnom Penh on 3 November 2002.)
ASEAN Convention on Counter Terrorism

Member Countries of the Association of Southeast Asian Nations (ASEAN) - Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam hereinafter referred to as "the Parties";

RECALLING the Charter of the United Nations and relevant principles of international law, relevant international conventions and protocols relating to counter terrorism and relevant resolutions of the United Nations on measures aimed at countering international terrorism, reaffirming our commitment to protect human rights, fair treatment, the rule of law, and due process as well as the principles enshrined in the Treaty of Amity and Cooperation Southeast Asia done at Bali on 24 February 1976;

REAFFIRMING that terrorism cannot and should not be associated with any religion, nationality, civilisation or ethnic group;

RECALLING also the ASEAN Declaration on Joint Action to Counter Terrorism and Declaration on Terrorism adopted at the ASEAN Summits in 2001 and 2002 respectively;

REAFFIRMING our commitment to the Vientiane Action Programme done at Vientiane on November 2004, particularly its thrust on "shaping and sharing of norms" and the need, among others, to work towards the conclusion of an ASEAN Mutual Legal Assistance Agreement, an ASEAN Convention on Counter Terrorism, and the establishment of an ASEAN Extradition Treaty as envisaged by the 1976 Declaration of ASEAN Concord;

DEEPLY CONCERNED over the grave danger posed by terrorism to innocent life, infrastructure and the environment, regional and international peace and stability as well as economic development;

REALISING the importance of identifying and effectively addressing the root causes of terrorism in the formulation of any counter-terrorism measures;

REITERATING that terrorism, in all its forms and manifestations, committed wherever and by whomsoever, is a profound threat to international peace and security and a direct challenge to the attainment of peace, progress and prosperity for ASEAN and the realisation of ASEAN Vision 2020;

REAFFIRMING our strong commitment to enhance cooperation in countering terrorism which covers the prevention and suppression of all forms of terrorist acts;

REITERATING the need to improve regional cooperation on counter terrorism and undertake effective measures through deepening cooperation among ASEAN law enforcement agencies and relevant authorities in countering terrorism;

ENCOURAGING the Parties to become parties as soon as possible to the relevant:

file://H:\Declaration on Terrorism.htm 5/18/2009
international conventions and protocols relating to counter terrorism;

Have agreed as follows:

Article I

Objective

This Convention shall provide for the framework for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen cooperation among law enforcement agencies and relevant authorities of the Parties in countering terrorism.

Article II

Criminal Acts of Terrorism

1. For the purposes of this Convention, "offence" means any of the offences within the scope of and as defined in any of the treaties listed as follows:


b. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation concluded at Montreal on 23 September 1971;


d. International Convention Against the Taking of Hostages, adopted in New York on December 1979;

e. Convention on the Physical Protection of Nuclear Material, adopted in Vienna on October 1979;


h. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;


l. Amendment to the Convention on the Physical Protection of Nuclear Material, done in Vienna on 8 July 2005;

m. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against Safety of Maritime Navigation, done at London on 14 October 2005; and

n. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against Safety of Fixed Platforms Located on the Continental Shelf, done at London on
October 2005.

2. On depositing its instrument of ratification or approval, a Party which is not a Party to a treaty listed in paragraph 1 of this Article may declare that, in the application of this Convention to that Party, that treaty shall be deemed not to be included in paragraph 1 of this Article. The declaration shall cease to have an effect as soon as the treaty enters into force for the Party having made such a declaration, which shall notify the depositary as stated in paragraph 2 of this entry into force.

3. When a Party ceases to be a party to a treaty listed in paragraph 1 of this Article, it shall make a declaration as provided for in this Article, with respect to that treaty.

Article III

Sovereign Equality, Territorial Integrity and Non-Interference

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-interference in the internal affairs of other Parties.

Article IV

Preservation of Sovereignty

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

Article V

Non-Application

This Convention shall not apply where the offence is committed within a single Party, the alleged offender and the victims are nationals of that Party, the alleged offender is found in the territory of that Party and no other Party has a basis under this Convention to exercise jurisdiction.

Article VI

Areas of Cooperation

1. The areas of cooperation under this Convention may, in conformity with the domestic laws of the respective Parties, include appropriate measures, among others, to:

   a. Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to the other Parties through the exchange of information;

   b. Prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against the other Parties and/or the citizens of the other Parties;

   c. Prevent and suppress the financing of terrorist acts;

   d. Prevent the movement of terrorists or terrorist groups by effective border control and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

   e. Promote capacity-building including trainings and technical cooperation and the holding of regional meetings;

   f. Promote public awareness and participation in efforts to counter terrorism, as well
enhance inter-faith and intra-faith dialogue and dialogue among civilisations;

g. Enhance cross-border cooperation;

h. Enhance intelligence exchange and sharing of information;

i. Enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies;

j. Strengthen capability and readiness to deal with chemical, biological, radiologic, and nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism;

k. Undertake research and development on measures to counter terrorism;

l. Encourage the use of video conference or teleconference facilities for co-proceedings, where appropriate; and

m. Ensure that any person who participates in the financing, planning, preparation, perpetration of terrorist acts or in supporting terrorist acts is brought to justice.

2. Subject to the consent of the Parties concerned, Parties shall cooperate to address the root causes of terrorism and conditions conducive to the spread of terrorism to prevent the perpetration of terrorist acts and the propagation of terrorist cells.

Article VII

State Jurisdiction

1. A Party shall take such measures as may be necessary to establish its jurisdiction over offences covered in Article II of this Convention when:

   a. The offence is committed in the territory of that Party; or

   b. The offence is committed on board a vessel flying the flag of that Party or an aircraft which is registered under the laws of that Party at the time the offence is committed;

   c. The offence is committed by a national of that Party.

2. A Party may also establish its jurisdiction over any such offence when:

   a. The offence is committed against a national of that Party; or

   b. The offence is committed against a state or government facility of that Party abroad, including its embassy or other diplomatic or consular premises; or

   c. The offence is committed in an attempt to compel that Party to do or to abstain from doing any act; or

   d. The offence is committed by a stateless person with habitual residence in the territory of that Party.

3. A Party shall likewise establish its jurisdiction over the offences covered in Article II of this Convention in cases where the alleged offender is present in its territory and it does not extradite that person to any of the Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of this Article.

4. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic laws.

Article VIII
Fair Treatment

1. Any person who is taken into custody or regarding whom any other measures are taken pursuant to this Convention shall be guaranteed fair treatment including enjoyment of all rights and guarantees in conformity with the laws of the Party in whose territory of which that person is present and applicable provisions of international law, including international human rights law.

2. Upon receiving information that a person who has committed or who is alleged to have committed an offence covered in Article II of this Convention may be present in its territory, the Party concerned shall take such measures as may be necessary under its domestic laws to investigate the facts contained in the information.

3. Upon being satisfied that the circumstances so warrant, the Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic laws so as to ensure that person's presence for the purpose of prosecution or extradition.

4. Any person regarding whom measures referred to in paragraph 3 of this Article are being taken shall be entitled:
   a. To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights;
   b. To be visited by a representative of that State;
   c. To be informed of that person's rights under subparagraphs (a) and (b) of paragraph 3 of this Article.

5. The rights referred to in paragraph 4 of this Article shall be exercised in conformity with the laws and regulations of the Party in whose territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 4 of this Article are intended.

6. When a Party, pursuant to the present Article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of ASEAN, the Parties which have established jurisdiction in accordance with paragraph 1 or 2 of Article VII, and, if it considers advisable, any other interested Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The Party which is carrying out the investigation referred to in paragraph 2 of this Article shall promptly inform the Parties of its findings and shall indicate whether it intends to exercise jurisdiction over the person.

Article IX

General Provisions

1. The Parties shall adopt such measures as may be necessary, including applicable national legislation, to ensure that offences covered in Article II of this Convention, especially when it is intended to intimidate a population, or to compel government or an international organisation to do or to abstain from doing any act, are not justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

2. Pursuant to Article VI of this Convention, the Parties shall, where possible, establish channels of communication between their competent agencies to facilitate the exchange of information to prevent the commission of offences covered in Article II of this Convention.

3. The Party where the alleged offender is prosecuted shall, upon the request of the other Parties claiming jurisdiction over the same, communicate the status of the case at any stage of the proceedings to those other Parties.
Status of Refugees

The Parties shall take appropriate measures, in conformity with the relevant provisions of their respective domestic laws and applicable international law, including international standards on human rights, before granting refugee status, where the Parties recognise and grant such status, for the purpose of ensuring that the asylum seeker has not planned, facilitated, or participated in the commission of terrorist acts.

Article XI

Rehabilitative Programmes

The Parties shall endeavour to promote the sharing of best practices on rehabilitative programmes including, where appropriate, social reintegration of persons involved in the commission of any of the offences covered in Article II of this Convention with the objective of preventing the perpetration of terrorist acts.

Article XII

Mutual Legal Assistance in Criminal Matters

1. The Parties shall, in conformity with their respective domestic laws, afford the widest measure of assistance in connection with investigations or criminal proceedings brought respect of the offences covered in Article II of this Convention.

2. The Parties shall, where they are parties to the Treaty on Mutual Legal Assistance in Criminal Matters done in Kuala Lumpur on 29 November 2004, carry out their obligations under paragraph 1 of this Article in conformity with that Treaty.

Article XIII

Extradition

1. The Party in the territory of which the alleged offender is present shall, in cases to which Article VII of this Convention applies, if it does not extradite that person, be obliged, with exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution through proceedings in accordance with the domestic laws of that Party. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the domestic laws of that Party.

2. The offences covered in Article II of this Convention shall be deemed to be extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Convention. The Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them

3. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the request may, at its option, and in conformity with its domestic laws, consider this Convention a legal basis for extradition in respect of the offences covered in Article II of this Convention.

Article XIV

Political Offences Exception

None of the offences covered in Article II of this Convention shall be regarded for the purpose of extradition under Article XIII of this Convention or mutual legal assistance in criminal matters under Article XII of this Convention as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance in criminal matters based on such an offence may be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.
Article XV

Designation of Central Authorities or Coordinating Structures

Each Party shall designate, as appropriate, a central authority or coordinating structure to enhance cooperation under this Convention.

Article XVI

Implementation, Monitoring and Review

The relevant ASEAN sectoral bodies involved in ASEAN cooperation on countering terrorism shall be responsible for monitoring and reviewing the implementation of this Convention.

Article XVII

Confidentiality

1. Each Party shall preserve the confidentiality and secrecy of documents, records and other information received from any other Party, including the source thereof.

2. No document, record or other information obtained pursuant to this Convention shall be disclosed to or shared with any other Party, State or person except with the prior written consent of the Party which provided such document, record or information.

Article XVIII

Relationship with Other International Instruments

This Convention shall not derogate from obligations subsisting between the Parties pursuant to other international agreements nor, where the Parties agree, shall it prevent the Parties from providing assistance to each other pursuant to other international agreements or provisions of their respective domestic laws.

Article XIX

Settlement of Disputes

Any difference or dispute between the Parties arising from the interpretation or application of the provisions of this Convention shall be settled amicably through consultation or negotiation between the Parties through diplomatic channels or any other peaceful means agreed upon between the Parties.

Article XX

Ratification, Approval and Depositary

1. This Convention shall be subject to ratification or approval in accordance with the procedures of the Parties.

2. The instruments of ratification or approval shall be deposited with the Secretary-General of ASEAN who shall promptly inform the other Parties of such deposit.

Article XXI

Entry into Force and Amendment

1. This Convention shall enter into force on the 30th (thirtieth) day following the date of deposit of the 6th (sixth) instrument of ratification or approval with the Secretary-General of ASEAN in respect of those Parties that have submitted their instruments of ratification approval.
2. For any Party ratifying or approving this Convention after the deposit of the 6th (six) instrument of ratification or approval, but before the day the Convention enters into force, it shall also apply to that Party on the date the Convention enters into force.

3. In respect of a Party ratifying or approving this Convention subsequent to its entry into force pursuant to paragraph 1, it shall enter into force for that Party on the date its instrument ratification or approval is deposited.

4. This Convention may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment shall enter into force on such date as shall mutually agreed upon by Parties and shall form part of this Convention.

5. Any modification or amendment shall not affect the rights and obligations of the Party arising from or based on the provisions of this Convention before the entry into force of said modification or amendment.

Article XXII
Withdrawal

1. Any Party may withdraw from this Convention at any time after the date of the entry into force of this Convention for that Party.

2. The withdrawal shall be notified by an instrument of withdrawal to the Secretary-General of ASEAN.

3. The withdrawal shall take effect 180 (one hundred and eighty) days after the receipt of the instrument of withdrawal by the Secretary-General of ASEAN.

4. The Secretary-General of ASEAN shall promptly notify all the other Parties of the withdrawal.

Article XXIII
Registration

This Convention shall be registered by the Secretary-General of ASEAN to the United Nations Secretariat pursuant to Article 102 of the Charter of the United Nations.

DONE at Cebu, Philippines, this Thirteenth Day of January in the Year Two Thousand and Seven, in a single original copy in the English language.

For Brunei Darussalam:

HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:

SAMDECH HUN SEN
Prime Minister
For the Republic of Indonesia:

DR. SUSILO BAMBANG YUDHOYONO
President

For the Lao People's Democratic Republic:

BOUASONE BOUPHAVANH
Prime Minister

For Malaysia:

DATO' SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Union of Myanmar:

GENERAL SOE WIN
Prime Minister

For the Republic of the Philippines:

GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:

LEE HSIEH LOONG
Prime Minister

For the Kingdom of Thailand:

GENERAL SURAYUD CHULANONT (RET.)
Prime Minister
For the Socialist Republic of Viet Nam:

NGUYEN TAN DUNG
Prime Minister
APPENDIX II

The Seoul Statement on Security Cooperation in the Asia-Pacific

The ending of the Cold War and the fundamental transformation ensuing from the elimination of superpower rivalry have provoked a far-reaching re-evaluation of security arrangements in the Asia-Pacific region. Discussions are underway over the need to create multilateral fora for enhancing regional security cooperation.

Four institutions in the region, namely the ASEAN Institutes of Strategic and International Studies (ASEAN ISIS), the Japan Institute of International Affairs (JIIA), Pacific Forum/CSIS (Honolulu), and the Seoul Forum for International Affairs, together with representatives of other research institutes from the region, have undertaken an in-depth examination of the security issues and challenges facing Asia-Pacific today and in the future.

A series of conferences on Security Cooperation in the Asia-Pacific (SCAP) have been held: first in Honolulu (29-30 October 1991); second in Bali (17-19 April 1992); and third in Seoul (1-3 November 1992). Participants from seventeen countries, including scholars as well as officials acting in their private capacities, have taken part in these meetings.

The discussions at these meetings have clearly shown the need for more structured processes for regional confidence building and security cooperation. The meetings welcomed the initiatives at the official level to develop a formal or informal inter-governmental regional forum for dialogue on political-security issues.

In particular, the meetings noted the concrete steps that have been taken by the ASEAN Post Ministerial Conference (PMC) at which the six ASEAN foreign ministers (Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand) meet annually with foreign ministers of other Asia-Pacific countries (Australia, Canada, Japan, the Republic of Korea, New Zealand and the United States) and a representative of the European Community. The participants in the SCAP process believe that the PMC makes a significant contribution to the development of a multilateral political-security dialogue for the Asia-Pacific region. The participants expressed support for making the ASEAN PMC process fully multilateral and for establishing a Senior Officials Meeting (SOM) to draw up the agenda for the ASEAN PMC. The United States is encouraged to support and participate fully in the multilateralization of the PMC. The participants believe that the ASEAN PMC process should be inclusive and hopes that once the multilateralization of the PMC has been completed, other countries and territories in the region will be invited to participate at the earliest possible juncture. Participants stressed that the multilateralization of the PMC will reinforce, not replace, existing bilateral security arrangements.

The participants also welcomed initiatives for the establishment of other regional processes such as the North Pacific Cooperative Security Dialogue proposal. These initiatives can only strengthen the broader regional processes.

As representatives of non-governmental institutions concerned with the security, stability and peace of the region, we also feel that we have the responsibility to contribute to the efforts towards regional confidence building and enhancing regional security through dialogues, consultations and cooperation.

It is with this objective in mind that we propose to develop a more structured regional process of a non-governmental nature. We propose that this process be named the Council for Security Cooperation in Asia Pacific (CSAP) and that it be open to all countries in the region. The Council's activities will be guided by a Steering Committee consisting of representatives of non-governmental institutions in the region who are committed to the ideals of regional security cooperation.

Steering Committee members will seek to establish broad-based committees in each of their respective countries or territories. These committees should include government officials in their private capacities.

We also propose that CSAP establish Working Groups that will be given the tasks of undertaking policy-oriented studies on specific regional political-security problems. The first two of these Working Groups will examine maritime surveillance and the enhancement of security cooperation in the North Pacific.

The CSAP Steering Committee will organize an annual CSAP meeting to be held in Malaysia as a continuation of the annual Asia Pacific Roundtable that has been organized in the past by ISIS Malaysia and ISIS Malaysia will act as the secretariat of CSAP, subject to the approval of the board of directors of ISIS Malaysia.

Endorsed in Seoul on November 3, 1992 by

Desmond Ball, Strategic and Defense Studies Centre, ANU, Australia
Paul Evans, Director, University of Toronto-York University, Joint Center for Asia Pacific Studies, Canada
Jusuf Wanandi, Centre for Strategic and International Studies, Indonesia
Nobuo Matsunaga, Japan Institute for International Affairs, Japan
Han Sung-Joo, The Seoul Forum for International Affairs, Republic of Korea
Noordin Sopiee, Institute of Strategic and International Studies, Malaysia
Carolina Hernandez, Institute for Strategic and Development Studies, Philippines
Lau Teik-Soon, Singapore Institute of International Affairs, Singapore
Kusuma Sniwijngse, Institute for Security and International Studies, Thailand
Amos Jordan, Pacific Forum/CSIS, United States of America
APPENDIX III

Announcement

"Establishment of the Council for Security Cooperation in the Asia-Pacific"
Kuala Lumpur, 8 June 1993

The ending of the Cold War and the fundamental transformation ensuing from the elimination of superpower rivalry have provoked a far-reaching re-evaluation of security arrangements in the Asia-Pacific region.

Four institutions in the region, namely the ASEAN Institutes of Strategic and International Studies (ASEAN ISIS), the Japan Institute of International Affairs (JIIA), Pacific Forum/CSIS (Honolulu), and the Seoul Forum for International Affairs, together with representatives of other research institutes from the region, have undertaken an in-depth examination of the security issues and challenges facing Asia-Pacific today and in the future.

A series of conferences on Security Cooperation in the Asia-Pacific (SCAP) have been held in Honolulu (October 29-30, 1991); second in Bali (April 17-19, 1992); and third in Seoul (November 1-3, 1992). Participants from seventeen countries, including scholars as well as officials acting in their private capacities, have taken part in these meetings.

The discussions at these meetings have clearly shown the need for more structured processes to promote regional confidence building and security cooperation. The meetings welcomed the initiatives at official level to develop a formal or informal inter-governmental regional forum for dialogue on political-security issues.

In particular, the meetings noted the concrete steps that have been taken by the ASEAN Ministerial Conference (PMC) at which the six ASEAN foreign ministers (Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand) meet annually with foreign ministers of six Asia-Pacific countries (Australia, Canada, Japan, the Republic of Korea, New Zealand and the United States) and a representative of the European Community. The participants in the SCAP process believe that the PMC makes a significant contribution to the development of a multi-level political-security dialogue for the Asia-Pacific region. The participants support the multiplication of the ASEAN PMC process and the establishment of a Senior Officials Meeting (SOM). They also welcome the ASEAN PMC process should be inclusive and welcome the early inclusion of other countries in the region.

The participants also welcomed initiatives for the establishment of other regional processes, such as the North Pacific Cooperative Security Dialogue proposal. These initiatives can only strengthen the broader regional processes.

As representatives of non-governmental institutions concerned with the security, stability and peace of the region, we also feel that we have the responsibility to contribute to the efforts towards regional confidence building and enhancing regional security through dialogues, consultations and cooperation.

It is with this objective in mind that we are establishing a Council for Security Cooperation in the Asia-Pacific (CSCAP). It will be open to all territories and countries in the region. The Council activities will be guided by a Steering Committee consisting of representatives of non-governmental institutions in the region who are committed to the ideals of regional security cooperation.

Steering Committee members will seek to establish broad-based committees in each of the respective countries or territories. These committees should include government officials in their private capacities.

We also propose that CSCAP establish Working Groups that will be given the tasks of undertaking policy-oriented studies on specific regional political-security problems.

Initially the CSCAP Steering Committee will be co-chaired by Amos Jordan (Pacific Forum/CSIS) and Jusuf Wanandi (CSIS Jakarta). The Steering Committee will be served by a Secretariat.

Malaysia has accepted this responsibility for the first two years.

The founding members of CSCAP are:

Strategic and Defense Studies Centre, ANU, Australia
University of Toronto-York University, Joint Center for Asia Pacific Studies, Canada
Centre for Strategic and International Studies, Indonesia
Japan Institute for International Affairs, Japan
The Seoul Forum for International Affairs, Republic of Korea
Institute of Strategic and International Studies, Malaysia
Institute for Strategic and Development Studies, Philippines
Singapore Institute of International Affairs, Singapore
Institute for Security and International Studies, Thailand
Pacific Forum/CSIS, United States of America
CSCAP Charter

(Editor's Note: The CSCAP Charter has been amended since this was published. In August 1995 all Memb IV and the introduction of a new Article).

Revised Charter

Article I: The Name of the Organisation

The name of the organisation shall be the Council for Security Cooperation in the Asia Pacific, henceforth

Article II: The Purpose and Functions of CSCAP

1. CSCAP is organised for the purpose of providing a structured process for regional confidence building a territories in the Asia Pacific region.

2. The functions of CSCAP are as follows:

(a) to provide an informal mechanism by which political and security issues can be discussed by schol capacities;

(b) to encourage the participants of such individuals from countries and territories in the Asia Pacific o

(c) to organise various working groups to address security issues and challenges facing the region;

(d) to provide policy recommendations to various intergovernmental bodies on political-security issues

(e) to convene regional and international meetings and other cooperative activities for the purpose of

(f) to establish linkages with institutions and organisations in other parts of the world to exchange infc regional political-security cooperation; and

(g) to produce and disseminate publications relevant to the other purposes of the organisation.

Article III: Membership

1. Membership in CSCAP is on an institutional basis and consists of Member Committees. Admission of ne unanimous agreement of the Steering Committee.

2. When evaluating an application for membership, consideration shall be given to whether or not the ap~

(a) endorses the Kuala Lumpur Statement on the Establishment of the Council for Security Cooperatio

(b) has cooperated with other CSCAP members on various projects related to regionalsecurity; and

(c) has established a broad-based Member Committee, with the capacity to participate actively in CSC

3. (a) Applicants not fully meeting all the requirements for full membership may be accepted as Candidc requirements.
(b) Candidate members are eligible to participate in all CSCAP activities except for membership of the

**Article IV: Associate Membership**

1. Associate membership may be granted to institutions in a country or territory not represented in the interests and involvement in the stated objectives and activities of CSCAP.

2. (a) Associate members may participate in CSCAP Working Group activities.

   (b) Associate members may participate in the CSCAP General Meeting as observers.

**Article V: Member Committees**

1. A Member Committee shall be formed for each country or territory represented in CSCAP.

2. The Member Committee shall be broad-based, composed of non-governmental and government affiliated individuals (including officials) in their private capacities.

**Article VI: The Steering Committee**

1. The Steering Committee shall be the highest decision-making body of CSCAP.

2. The Steering Committee shall be comprised of one formally designated representative from each Member Committee.

3. (a) The Steering Committee normally shall be co-chaired by a member from an ASEAN Member Committee.

   (b) The term of the Co-Chairs shall be two years.

4. The Steering Committee may establish Sub-committees on membership, finance, and working groups, as necessary.

5. The Steering Committee shall meet at least twice a year.

6. (a) The quorum for the Steering Committee shall be at least three quarters (3/4) of the total members.

   (b) Except for questions of membership, decisions of the Steering Committee shall be made by at least

**Article VII: The Secretariat**

1. The Steering Committee shall be served by a Secretariat.

2. The Secretariat shall be provided by the Member Committee which will host the General Meeting for the

3. The Secretariat shall perform the following duties:

   (a) serve as the communication/liaison centre between the Member Committees;

   (b) assist in the organisation of the Steering Committee and General Meetings;

   (c) publish materials as directed by the Steering Committee; and
(d) undertake all other responsibilities given by the Steering Committee.

4. The Secretariat shall be funded by the CSCAP Fund for the following purposes:

(a) administrative expenses;

(b) publication of the CSCAP Newsletter; and

(c) other necessary expenses approved by the Steering Committee.

Article VIII: Working Groups

1. The Steering Committee shall establish Working Groups to undertake policy-oriented studies on specific problems.

2. The proposal to establish a Working Group shall come from a Member Committee or Committees that project.

3. Participation in the Working Group project shall be broad-based.

Article IX: General Meetings

1. CSCAP shall convene a General Meeting on a regular basis. The agenda, time and venue of the General Committee.

2. Each Member Committee shall bear the international travel and accommodation expenses of its participants and bear all other local expenses.

Article X: Non-Member Participants in Working Groups

1. Organisations or individuals from member countries or territories with an interest in CSCAP activities may participate in CSCAP Working Group activities.

2. Organisations or individuals from non-member countries or territories and international bodies may be invited by the Chair of the Working Group with the consent of the Co-Chairs of the Steering Committee.

Article XI: Observers and Guests at General Meetings

1. Associate Members shall be invited to participate at the General Meeting as observers.

   (a) Individuals and organisations from non-member countries or territories may be invited to attend General Meetings.

   (b) Invitations to such individuals and organisations will be issued by the Co-Chairs of the Steering Committee.

3. Individuals and organisations attending CSCAP General Meetings as guests may speak at the meetings with the consent of the Co-Chairs.

Article XII: Funding

1. A CSCAP Fund shall be established with annual contributions from the Member Committees, Candidate shall be determined by a formula which will be agreed upon by the Steering Committee.
2. CSCAP shall seek other sources of funding.

3. A Sub-committee on Finance shall be established to propose and review the formula for annual contrib Fund.

4. The Steering Committee shall suspend a Member Committee from all CSCAP activities including mem Committee defaults on its annual contribution for two consecutive years.

Article XIII: The Amendment Process

Except for Article III (1) requiring unanimity of the Steering Committee, the CSCAP Charter may be amer the Steering Committee provided that an intention to propose such amendment or amendments has been the Steering Committee sixty (60) days in advance of consideration.

Article XIV: Transitional Provisions

1. The founding Institutions of CSCAP are:

   (a) Centre for Strategic and International Studies, Indonesia

   (b) Centre for Strategic and International Studies, Thailand

   (c) Institute for Strategic and Development Studies, the Philippines

   (d) Centre for Strategic and International Studies, Malaysia

   (e) Japan Institute of International Affairs, Japan

   (f) Joint Centre for Asia Pacific Studies, Canada.

   (g) Pacific Forum/CSIS, United States of America

   (h) Seoul Forum for International Affairs, South Korea.

   (i) Singapore Institute of International Affairs

   (j) Strategic and Defence Studies Centre, Australia.

2. (a) In the formative phase, the designated representatives of the founding institutions shall form the ;

   (b) The CSCAP Steering Committee, composed of the designated representatives from each of the ten established in June 1994.

   (c) The Steering Committee shall be co-chaired initially by Amos A. Jordan (Pacific Forum/CSIS, United for terms of two and three years, respectively.

3. ISIS Malaysia will provide the Secretariat of CSCAP for the first two years.

4. The Asia Pacific region consists of the countries and territories of Southeast Asia, Northeast Asia, South

Adopted in Lombok, Indonesia, 16 December 1993.
CSCAP Revised Charter

Editor's Note: As amended in August 1995.

CSCAP Charter

Article I: The Name of the Organisation

The name of the organisation shall be the Council for Security Cooperation in the Asia Pacific, henceforth

Article II: The Purpose and Functions of CSCAP

1. CSCAP is organised for the purpose of providing a structured process for regional confidence building in territories in the Asia Pacific region.

2. The functions of CSCAP are as follows:

   (a) to provide an informal mechanism by which political and security issues can be discussed by scholars;

   (b) to encourage the participants of such individuals from countries and territories in the Asia Pacific or

   (c) to organise various working groups to address security issues and challenges facing the region;

   (d) to provide policy recommendations to various intergovernmental bodies on political-security issues;

   (e) to convene regional and international meetings and other cooperative activities for the purpose of exchange information on regional political-security cooperation; and

   (f) to establish linkages with institutions and organisations in other parts of the world to exchange information on regional political-security cooperation; and

   (g) to produce and disseminate publications relevant to the other purposes of the organisation.

Article III: Membership

1. Membership in CSCAP is on an institutional basis and consists of Member Committees. Admission of new members is subject to unanimous agreement of the Steering Committee.

2. When evaluating an application for membership, consideration shall be given to whether or not the applicant:

   (a) endorses the Kuala Lumpur Statement on the Establishment of the Council for Security Cooperation;

   (b) has cooperated with other CSCAP members on various projects related to regional security; and

   (c) has established a broad-based Member Committee, with the capacity to participate actively in CSCAP activities.

3. Applicants not fully meeting all the requirements for full membership may be accepted as Candidate members.

   (b) Candidate members are eligible to participate in all CSCAP activities except for membership of the Steering Committee.
**Article IV: Associate Membership**

1. Associate membership may be granted to an institute or consortium of institutes in a country or territory.

2. (a) Associate members shall have the right to participate in all Working Group meetings.

   (b) Associate members shall have the right to participate in all CSCAP General Meetings.

   (c) As a general rule, associate members may be invited to observe in CSCAP Steering Committee Meetings.

   (d) The Steering Committee reserves the right to close sessions (either in advance or during the course) and ask members to excuse themselves from said sessions. (Sessions dealing with membership issues, will, as)

3. Unless otherwise decided by the Steering Committee, Associate Members shall pay half of the contribution.

**Article V: Member Committees**

1. A Member Committee shall be formed for each country or territory represented in CSCAP.

2. The Member Committee shall be broad-based, composed of non-governmental and governmental affiliates plus individuals (including officials) in their private capacities.

**Article VI: The Steering Committee**

1. The Steering Committee shall be the highest decision-making body of CSCAP.

2. The Steering Committee shall be comprised of one formally designated representative from each Member Committee.

3. (a) The Steering Committee normally shall be co-chaired by a member from an ASEAN Member Committee.

   (b) The term of the Co-Chairs shall be two years.

4. The Steering Committee may establish Sub-committees on membership, finance, and working groups, as necessary.

5. The Steering Committee shall meet at least twice a year.

6. (a) The quorum for the Steering Committee shall be at least three quarters (3/4) of the total members.

   (b) Except for questions of membership, decisions of the Steering Committee shall be made by at least three quarters (3/4) of the total members.

**Article VII: The Secretariat**

1. The Steering Committee shall be served by a Secretariat.

2. The Secretariat shall be provided by the Member Committee which will host the General Meeting for the year.

3. The Secretariat shall perform the following duties:

   (a) serve as the communication/liaison centre between the Member Committees;
(b) assist in the organisation of the Steering Committee and General Meetings;

(c) publish materials as directed by the Steering Committee; and

(d) undertake all other responsibilities given by the Steering Committee.

4. The Secretariat shall be funded by the CSCAP Fund for the following purposes:

(a) administrative expenses;

(b) publication of the CSCAP Newsletter; and

(c) other necessary expenses approved by the Steering Committee.

Article VIII: Working Groups

1. The Steering Committee shall establish Working Groups to undertake policy-oriented studies on specific problems.

2. The proposal to establish a Working Group shall come from a Member Committee or Committees that project.

3. Participation in the Working Group project shall be broad-based.

Article IX: General Meetings

1. CSCAP shall convene a General Meeting on a regular basis. The agenda, time and venue of the General Committee.

2. Each Member Committee shall bear the international travel and accommodation expenses of its participants. It shall bear all other local expenses.

Article X: Non-Member Participants in Working Groups

1. Organisations or individuals from member countries or territories with an interest in CSCAP activities may participate in CSCAP Working Group activities.

2. Organisations or individuals from non-member countries or territories and international bodies may be invited by the Chair of the Working Group with the consent of the Co-Chairs of the Steering Committee.

Article XI: Observers and Affiliates

1. Observer status may be granted to individuals and affiliate status to institutions or organisations whose involvement with CSCAP is desirable and appropriate.

2. (a) Observers and affiliates may participate in all CSCAP general meetings and all Working Group activities.

(b) Observers and affiliates may be invited to attend all CSCAP Steering Committee meetings at the invitation of the Chair of the Working Group.

(c) The Steering Committee reserves the right to close sessions (either in advance or during the course of a meeting) and to ask observers and affiliates to excuse themselves from said sessions. (Sessions dealing with membership issues will, as a general rule, be open to all participants.)
3. Granting of observer and affiliate status is an organisational, not a membership, issue.

4. Observers and affiliates will not be charged membership dues.

**Article XII: Funding**

1. A CSCAP Fund shall be established with annual contributions from the Member Committees, Candidate shall be determined by a formula which will be agreed upon by the Steering Committee.

2. CSCAP shall seek other sources of funding.

3. A Sub-committee on Finance shall be established to propose and review the formula for annual contrib Fund.

4. The Steering Committee shall suspend a Member Committee from all CSCAP activities including membe Committee defaults on its annual contribution for two consecutive years.

**Article XIII: The Amendment Process**

Except for Article III (1) requiring unanimity of the Steering Committee, the CSCAP Charter may be amended by the Steering Committee provided that an intention to propose such amendment or amendments has been notified to the Steering Committee sixty (60) days in advance of consideration.

**Article XIV: Transitional Provisions**

1. The founding Institutions of CSCAP are:
   
   (a) Centre for Strategic and International Studies, Indonesia
   
   (b) Centre for Strategic and International Studies, Thailand
   
   (c) Institute for Strategic and Development Studies, the Philippines
   
   (d) Centre for Strategic and International Studies, Malaysia
   
   (e) Japan Institute of International Affairs, Japan
   
   (f) Joint Centre for Asia Pacific Studies, Canada.
   
   (g) Pacific Forum/CSIS, United States of America
   
   (h) Seoul Forum for International Affairs, South Korea.
   
   (i) Singapore Institute of International Affairs
   
   (j) Strategic and Defence Studies Centre, Australia.

2. (a) In the formative phase, the designated representatives of the founding institutions shall form the pr

   (b) The CSCAP Steering Committee, composed of the designated representatives from each of the ten (established in June 1994.
(c) The Steering Committee shall be co-chaired initially by Amos A. Jordan (Pacific Forum/CSIS, United
terms of two and three years, respectively.

3. ISIS Malaysia will provide the Secretariat of CSCAP for the first two years.

4. The Asia Pacific region consists of the countries and territories of Southeast Asia, Northeast Asia, South

Adopted in Lombok, Indonesia, 16 December 1993. Amendments to Article IV and the introduction of nev
Appendix: Occupied Locations among the Spratly Islands, circa 2000

<table>
<thead>
<tr>
<th>Occupying Country</th>
<th>Feature Name (English)</th>
<th>Feature Geo-Location (lat/long) North East</th>
<th>Name in Occupying Country Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malaysia</td>
<td>Ardasier Reef</td>
<td>7°37' 113°56'</td>
<td>Terumbu Ubi</td>
</tr>
<tr>
<td></td>
<td>Investigator</td>
<td>8°08' 114°42'</td>
<td>Terumbu Peninjau</td>
</tr>
<tr>
<td></td>
<td>Shoal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mariveles Reef</td>
<td>7°59' 113°54'</td>
<td>Terumbu Montanani</td>
</tr>
<tr>
<td></td>
<td>Swallow Reef</td>
<td>7°23' 113°48'</td>
<td>Terumbu Layang</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Layang</td>
</tr>
<tr>
<td>Philippines</td>
<td>Commodore Reef</td>
<td>8°21.5' 115°13.7'</td>
<td>Rizal Reef</td>
</tr>
<tr>
<td></td>
<td>Flat Island</td>
<td>10°49.5' 115°50'</td>
<td>Patag</td>
</tr>
<tr>
<td></td>
<td>Lankiam Cay</td>
<td>10°43' 114°32'</td>
<td>Panata</td>
</tr>
<tr>
<td></td>
<td>Loaita Island</td>
<td>10°40' 114°25.5'</td>
<td>Dagahoy Dugao</td>
</tr>
<tr>
<td></td>
<td>Nanshan Island</td>
<td>10°44' 115°48.5'</td>
<td>Lawak</td>
</tr>
<tr>
<td></td>
<td>Northeast Cay</td>
<td>11°27.5' 114°21'</td>
<td>Parola</td>
</tr>
<tr>
<td></td>
<td>Thitu Island</td>
<td>11°03.2' 114°17'</td>
<td>Pagasa</td>
</tr>
<tr>
<td></td>
<td>West York Island</td>
<td>11°05.5' 115°01.5'</td>
<td>Likas</td>
</tr>
<tr>
<td>PRC</td>
<td>Chigua Reef</td>
<td>9°55' 114°29'</td>
<td>Dongmen Jiao</td>
</tr>
<tr>
<td></td>
<td>Cuarteron Reef</td>
<td>8°51.5' 112°50'</td>
<td>Huayang Jiao</td>
</tr>
<tr>
<td></td>
<td>Fiery Cross Reef</td>
<td>9°33' 112°53'</td>
<td>Yongshu Jiao</td>
</tr>
<tr>
<td></td>
<td>Gaven Reefs</td>
<td>10°12.5' 114°13'</td>
<td>Namxun Jiao</td>
</tr>
<tr>
<td></td>
<td>Johnson Reef (S)</td>
<td>9°42.7' 114°16.8'</td>
<td>Chigua Jiao</td>
</tr>
<tr>
<td></td>
<td>Mischief Reef</td>
<td>9°55' 115°32'</td>
<td>Meiji Jiao</td>
</tr>
<tr>
<td></td>
<td>Subi Reef</td>
<td>10°55.5' 114°05'</td>
<td>Zhubi Jiao</td>
</tr>
</tbody>
</table>
**Taiwan**
- Itu Aba Island: 10°23' N, 114°21.5' E
- Tai Ping Dao

**Vietnam**
- Allison Reef: 8°49' N, 114°06' E
- Bai Toc Tan
- Amboyna Cay: 7°53.8' N, 112°55' E
- Dao An Bang
- Barque Canada Reef: 8°10' N, 113°18' E
- Chaw Shai/Chan Chai
- Bombay Castle (Rifleman Bank): 7°56' N, 111°40' E
- —
- Central Reef: 8°55' N, 112°21' E
- Con Guia/Trong Sa Dong
- Collins Reef (Johnson Reef-N): 9°45' N, 114°13.7' E
- Bai Vung May/Co Lin
- Cornwallis South Reef: 8°43' N, 114°11' E
- Da Nui Le/Nu'le
- Discovery Great Reef: 10°04' N, 113°51' E
- Da Lon
- East Reef: 8°49' N, 112°36' E
- Con Dong/Da Dong
- Grainger Bank: 7°47' N, 110°28' E
- Bai Que Duong
- Kingston Shoal: 7°33' N, 111°35' E
- —
- Ladd Reef: 8°37' N, 111°40' E
- Da Lat
- Len Dao: 9°46' N, 116°43.8' E
- —
- Namyit Island: 10°11' N, 114°22' E
- Nam Yit/Nam Yet
- Orleana-Shoal: 7°42'.114°22' E
- —
- Pearson Reef: 8°57' N, 113°40.5' E
- Hon Sip/Hon Sap
- Paddock Reef: 10°24.5' N, 114°35' E
- Do Thi
- Pigeon Reef: 8°51.8' N, 114°39.2' E
- Da Tien Nu
- Prince Consort Bank: 7°53' N, 110°00' E
- Bai Phuc Nguyen
- Sand Cay: 10°22.7' N, 114°28.7' E
- Da Son Ca
- Sin Cowe Island: 9°53.2' N, 114°19.7' E
- Dao Sinh Ton/Gac Ma
- Sin Cowe East Island: 9°54.8' N, 114°33.5' E
- Sinh Ton Dong
- South Reef: 11°23.2' N, 114°17.9' E
- Da Nam
- Southwest Cay: 11°25.8' N, 114°19.7' E
- Dao Song Tu Tay
- Spratly Island: 8°38.5' N, 111°55' E
- Dao Truong Sa
- Vanguard Bank: 7°31.7' N, 109°43.7' E
- Bai Tu Chinch
- West Reef: 8°51' N, 112°12' E
- Con Tay/Da Day

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*Vietnam reportedly sent troops to occupy two additional submerged reefs in the Spratly Islands (probably Orleana Shoal and Kingston Shoal on Rifleman Bank) in September 1998, but there has been no firm information on these actions. In comparison, Malaysia's move to construct new facilities at Investigator Shoal in June 1999 has been well documented.*