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Prevention better than cure: the EU's quiet diplomacy in Asia

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INTRODUCTION

Eva Pejsova

Ever since the EU announced its willingness to play a more active security role in Asia (as proclaimed by the EU High Representative/Vice-President Federica Mogherini at the Shangri-La Dialogue in 2014), apprehensions concerning its motivation and capacity to deliver on its promise have animated academic and policy debates on both ends of the Eurasian landmass.

Most often, however, the debates tend to omit one fundamental question: what does it mean to be a 'security actor'? The overwhelming perception is that such a role implies a degree of geographic proximity, sustained presence on the region's strategic chessboard, and above all a military capability sufficient to deter or influence the behaviour of others. Inevitably, many regional security observers therefore come to conclude that Europe, perceived mostly as a distant economic actor with a limited security toolbox, lacks the assets to fulfil its ambitions.

But contributing to regional security and stability does not necessarily have to involve hard power. In some cases, military pressure, especially coming from an external player, may aggravate existing tensions or plant seeds for further unrest. Also, some types of crises, driven by ethnic, religious or other communitarian tensions, simply cannot be effectively settled through the use of traditional security instruments. In all cases, diplomatic negotiations and other peaceful means are deployed to prevent, contain and manage tensions throughout the various stages of crisis escalation, whether alone or in complement to 'harder' security measures.

The EU, as the world's largest economic bloc and one of the most important trading partners of East Asian economies, has a vital interest in promoting peace, stability and prosperity in the region. The Union is one of the founding members of the ASEAN Regional Forum (ARF); moreover, it is a signatory of the Treaty of Amity and Cooperation (TAC), and has political commitments *vis-à-vis* its strategic partners in the region. In that capacity, it has been involved in a number of regional crises throughout the past few decades, with many positive outcomes.

The key role of the EU's Aceh Monitoring Mission (AMM) in the settlement of the crisis in Aceh in 2005 and the subsequent implementation of the stabilisation process, including the demobilisation and reintegration of the combatants and arms decommissioning, constitutes one powerful and well-recognised example. Its efforts to assist resolution of the Mindanao crisis, with opposing MILF militants and governmental forces,

adds yet another positive outcome to the EU's preventive diplomacy 'curriculum' in the region. The Union has played a major role in the peace process in Burma/Myanmar supporting and channeling the long transition from military rule to the rule of law and accountable government. The last and most recent example has been the crucial venue-setting role Brussels played in facilitating negotiations with Iran, ultimately leading to the conclusion of the nuclear deal.

In view of these events, the failure to acknowledge Europe's contribution to peace and stability in Asia may obscure the role an external actor can contribute to addressing future peace and security challenges in the region. Whether this is due to insufficient media attention/publicity given to these achievements, to the low profile of preventive diplomacy as a security tool, or to the general unwillingness to recognise the EU as anything but an economic player, a comprehensive study of these efforts is needed to ensure that future policies draw on all available assets. When such assets are taken for granted the very possibility of soft power approaches as a method for resolving conflicts can be denied in favour of more *realpolitik* military-based 'zero sum' solutions. Preventive diplomacy, or the resolution of disputes by peaceful means, has been one of the foundations of the EU's foreign and security policy in Asia and beyond and stands as an expression of a rule-based international order. It is rooted in the EU's very own DNA, as well as reflected in its key strategic documents, including the 2016 EU Global Strategy (EUGS).

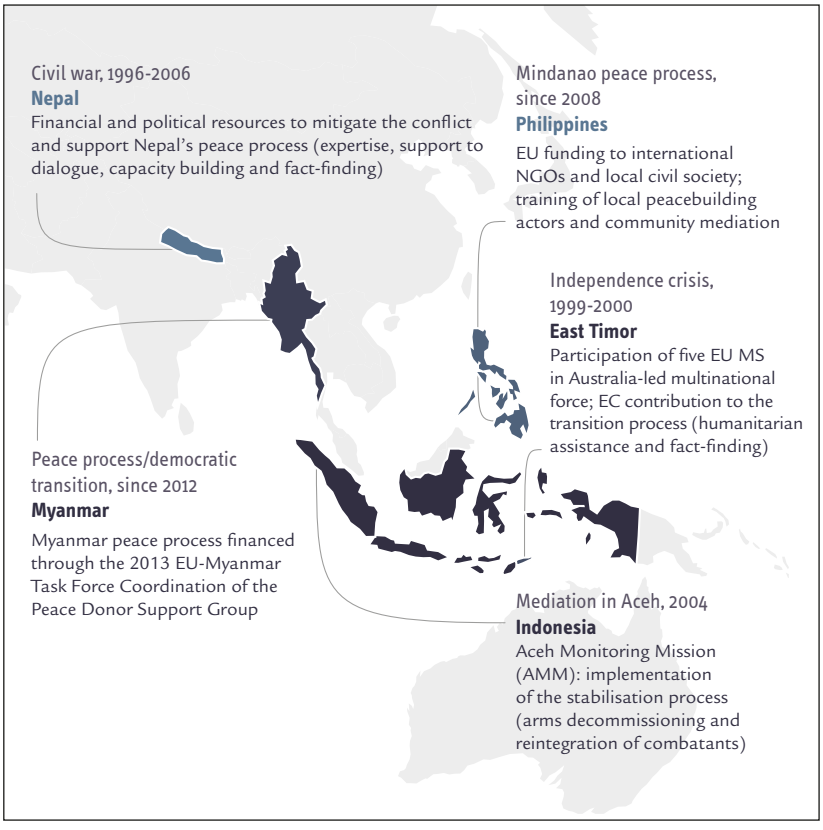
When in 2011, the ASEAN Regional Forum (ARF) decided it was time to 'move from confidence-building measures to preventive diplomacy' – the second pillar of its security policy – it requested its members and advisory bodies to develop a concrete agenda and provide educational material to help fulfil this goal. As a member of the ARF, the EU seized the opportunity to put its expertise into practice and became actively involved within the ARF Inter-Sessional Support Group on Confidence-Building Measures and Preventive Diplomacy (ISG on CBM and PD) engaging in a range of activities including providing mediation training courses for ARF diplomats.

In line with these efforts, the European member committee of the Council for Security Cooperation in the Asia-Pacific (CSCAP EU) initiated a two-year Study Group entitled 'Towards Preventive Diplomacy: promoting prospects for mediation and peaceful settlement of disputes in the Asia Pacific', which concluded in 2016. Co-chaired by the EU, Malaysia, New Zealand and Singapore, the Study Group aimed at providing a gap analysis of existing preventive diplomacy cases in the ARF region, in order to bring forward the most suitable preventive diplomacy tools and mechanisms that could be applied to alleviate existing tensions.

Preventive diplomacy was also chosen as the theme of the annual CSCAP EU Committee meeting, organised by the EU Institute for Security Studies (EUISS) in its capacity of CSCAP EU coordinator, in Brussels in December 2016. The meeting, entitled 'The EU's Preventive Diplomacy in Asia', brought together regular CSCAP EU committee members, as well as diplomats and relevant officials from EU institutions to discuss the current state of preventive diplomacy in the EU and explore its possible contribution to security in the Indo-Pacific region.

This Report captures the main presentations made during the CSCAP EU 2016 Committee meeting. It is divided into three sections. To set the background, the first section situates the concept of preventive diplomacy within the EU's overall foreign and security agenda, looking at the current trends, tools and mechanisms under the 2016 EU Global Strategy and beyond. It further outlines the efforts deployed by the EU in the Asian context, and more specifically within the ASEAN Regional Forum (ARF). In order to illustrate the functioning of preventive diplomacy in the field, the second section provides an analysis of four regional cases in which the EU intervened: the Mindanao conflict, the Nepal civil war, the Korean Peninsula and the South China Sea dispute. The third and final section elaborates on the prospects and pitfalls of the EU's preventive diplomacy in the region. Highlighting the crucial importance of context and indigenous sensitivities, it concludes that in some cases, such as in South Asia, third party intervention is rarely a sufficient condition for positive results. That said, there are no limits to imagination in preventive diplomacy. As demonstrated by the case of Iran, sometimes simply providing a venue for negotiations can be an invaluable first step for de-escalating tensions. When seeking new avenues for the EU's contribution to Asia's security, the venue-setting role should not be underestimated – opening up possibilities for other potential hotspots in the region.

FIGURE 1: THE EU'S PREVENTIVE DIPLOMACY IN ASIA



I. THE EU AND PREVENTIVE DIPLOMACY: FROM POLICY TO PRACTICE

'Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.'

(Report of the UN Secretary General) Boutros-Ghali, 'An Agenda for Peace', June 1992

1.1: Preventive diplomacy and the EU

Guy Banim and Eva Pejsova

Since the end of the Cold War, preventive diplomacy has become something of a buzzword in international security circles, often interchangeably used with similar terminology of 'conflict prevention' or 'structural peacebuilding'. Preventive diplomacy is here understood as comprising diplomatic and peaceful methods such as negotiation, enquiry, mediation and conciliation deployed to 'ease tensions before they result in conflict or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes.'[1] Its most common manifestation is 'found in the work of diplomatic envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions.'[2] Typical instruments and tools of preventive diplomacy include: press communiqués; studies and inquiries; good offices and appointment of envoys; establishment of regional centres; offers of expertise and rapid release of funds for capacity development; deployment of missions for monitoring, fact-finding and investigation; and 'groups of friends'. However, within a broader conflict prevention framework, preventive diplomacy is also much more. It is about making the most efficient use of the multiple everyday interactions conducted through diplomatic channels, both public and private, by putting an emphasis on the easing of tensions between potential conflict parties as a basic goal of diplomacy.

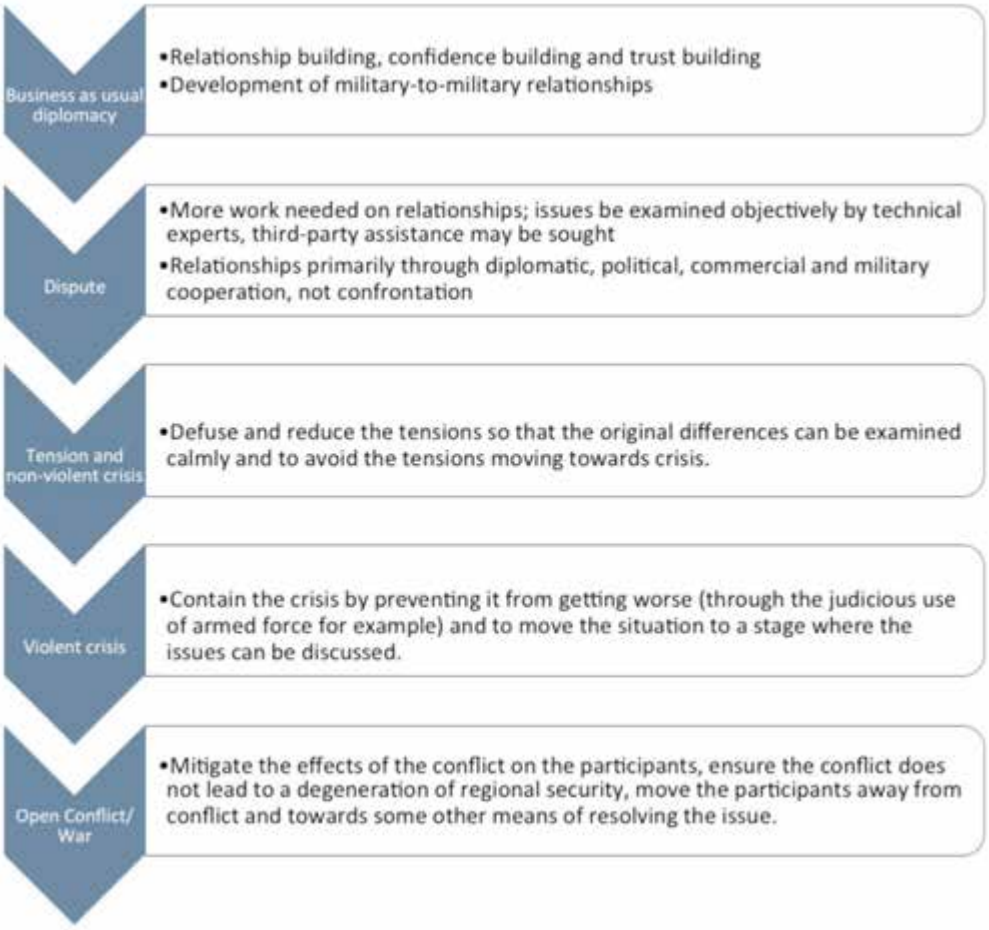
Needless to say, given the diversity and complexity of dispute situations, any diplomatic intervention needs to be carefully tailored to the specific circumstances and to be sensitive to the geographical, cultural and political contexts. As described in Table 1 below,

1. United Nations General Assembly, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*, Report of the Secretary-General pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277, New York, 1992, para. 23.

2. United Nations, Department of Political Affairs, 'Prevention and Mediation', 2014. Available at: http://www.un.org/undpa/en/diplomacy-mediation.

preventive diplomacy tools evolve and types of intervention typically vary according to the different phases of escalation of tensions: from 'business as usual' to open conflict. However, while such *post-facto* categorisation may be useful for analytical purposes, the reality in unfolding crises is often much less clear. Conflicts do not necessarily escalate along a linear trajectory and the boundaries between the various phases are permeable and overlapping. In order to achieve the most efficient results, preventive diplomacy responses should be flexible and used creatively throughout the various phases of the conflict cycle.

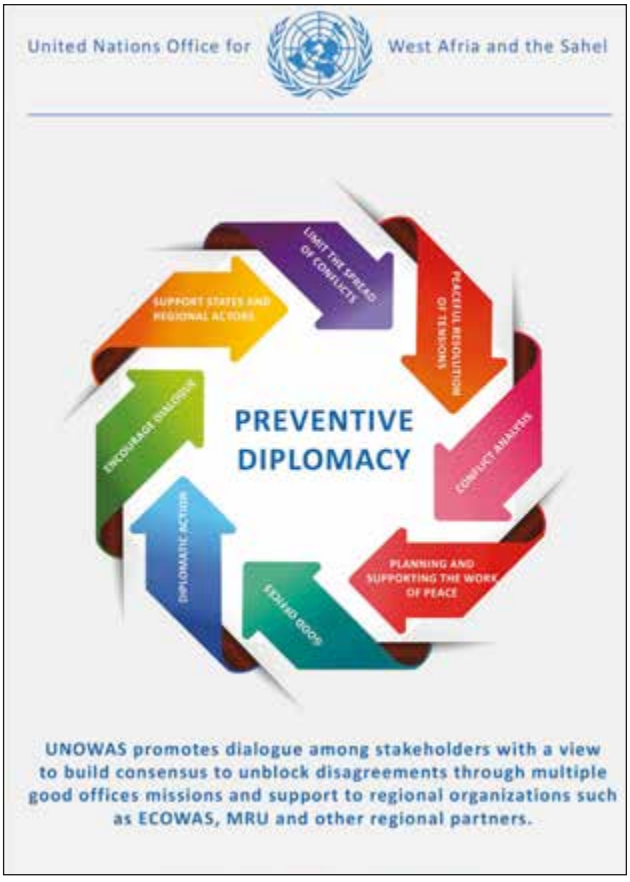
FIGURE 2: CONFLICT ESCALATION AND TYPE OF PREVENTIVE DIPLOMACY RESPONSE



Source: 2016 CSCAP Study on Preventive Diplomacy: Approaches to Failure and Success

As set out in the World Bank's 2011 *World Development Report*, violent conflicts arise typically when state institutions do not adequately protect citizens, guard against corruption, or provide access to justice; when markets do not provide job opportunities; or when communities have lost social cohesion. In a deteriorating pre-conflict situation, the goal of preventive diplomacy is to help parties to reach agreement on how to address these issues. If disputes cannot be resolved, tensions will arise. When disputes become internationalised threats of violence may be made and the use of military force will probably be mooted, although not yet implemented, and diplomats might be recalled to their capitals for consultations. A violent crisis occurs when relations between parties have degenerated to the extent that the issues are politicised at the domestic level, discussions about them cannot be held because none of the actors is prepared to talk and there is a real risk that armed forces might be deployed, albeit by accident rather than design. Finally, if the parties in the crisis decide to use their armed forces they are in open conflict and potentially at war.

FIGURE 3: UNOWAS - EXAMPLE OF A PREVENTIVE DIPLOMACY APPROACH



Source: UNOWAS magazine, no. 1, April 2017

The EU's concepts and mechanisms

It is a well-known and oft-repeated dictum that the European Union is itself a conflict-prevention project. The original European Coal and Steel Community was founded in 1951 to assist in 'furthering the works of peace' in the belief that 'world peace may be safeguarded only by creative efforts equal to the dangers that menace it'.[3] Six years later, the 1957 Treaty of Rome created the European Economic Community (EEC) with the six founding member states 'pooling their resources to preserve and strengthen peace and liberty'.[4] While the internal economic integration agenda between European states was explicitly conceived as a preventive effort, the European Union's external agenda has also had a strong conflict- prevention vocation from the outset. This was formalised as the EU's Common Foreign and Security Policy (CFSP)[5] took shape. Preventive diplomacy was explicitly recommended in a 1996 Communication as an approach to be pursued in situations of heightened tension through the opening of political dialogue with parties concerned.[6] The preventive aspiration was subsequently articulated in the European Security Strategy (ESS) of 2003 as 'the need to be able to act before countries around us deteriorate, when signs of proliferation are detected, and before humanitarian emergencies arise. Preventive engagement can avoid more serious problems in the future.'[7]

With the 2007 Treaty of Lisbon the EU member states retained the goal of pursuing common policies and actions in order to 'preserve peace, prevent conflicts and strengthen international security'. The rationale for investing in this approach was recognised in the EU's 2009 'Concept on Strengthening EU Dialogue & Mediation Capacities'[8] which makes the case for early mediation initiatives in a preventive context that can, if successful, pre-empt the need for more expensive crisis management missions, as well as in the 2014 Comprehensive Approach Communication that asserts that 'whenever possible the EU must seek to prevent conflict before a crisis emerges or violence erupts – this is a constant and high priority for all EU diplomatic engagement.'[9]

Hence prevention of violent conflict has always been at the heart of the EU's *raison d'être* and has long inspired its activities on the world stage. The EU has played an important role in championing this agenda within the international community and it forms an intrinsic part of the remit of the High Representative/Vice-President (HR/VP) as well as

3. 'Treaty Constituting the European Coal and Steel Community', Paris, 1951. Available at: https://www.consilium.europa.eu/uedocs/cmsUpload/Treaty%20constituting%20the%20European%20Coal%20and%20Steel%20Community.pdf.

4. 'Treaty of Rome', preamble.

5. Council of the EU, 'Preventive Diplomacy, Conflict Resolution and Peace-Keeping in Africa', General Affairs Council Conclusions, 1891ST, Brussels, 4 December 1995. Available at: http://europa.eu/rapid/press-release_PRES-95-354_en.htm.

6. European Commission, *The EU and the issue of conflicts in Africa: Peace-Building, conflict prevention and beyond*, Communication from the Commission to the Council, SEC(96) 332, Brussels, 6 March 1996. Available at: http://ec.europa.eu/development/body/theme/prevention/communication-1996.htm.

7. European Council, *A Secure Europe in a Better World: European Security Strategy*, Report Presented by the High Representative for the CFSP to the Brussels European Council, Brussels, 12 December, 2003, p. 11. Available at: https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf.

8. Council of the EU, *Concept on Strengthening EU Mediation and Dialogue*, 15779/09, Brussels, 10 November 2009.

9. European Commission and HR/VP, *The EU's Comprehensive Approach to External Conflicts and Crises*, HR/VP-Commission Joint Communication to the European Parliament & Council, JOIN(2013) 30 final, Brussels, 11 December 2013. Available at: http://www.eeas.europa.eu/archives/docs/statements/docs/2013/131211_03_en.pdf.

the EU Special Representatives and Heads of Delegation present in most of the world's capitals. A preventive approach to interlocking local, national, regional and global conflict systems is as relevant as ever in the 'more connected, contested and complex world' described in the EU Global Strategy of 2016. In the words of the Global Strategy:

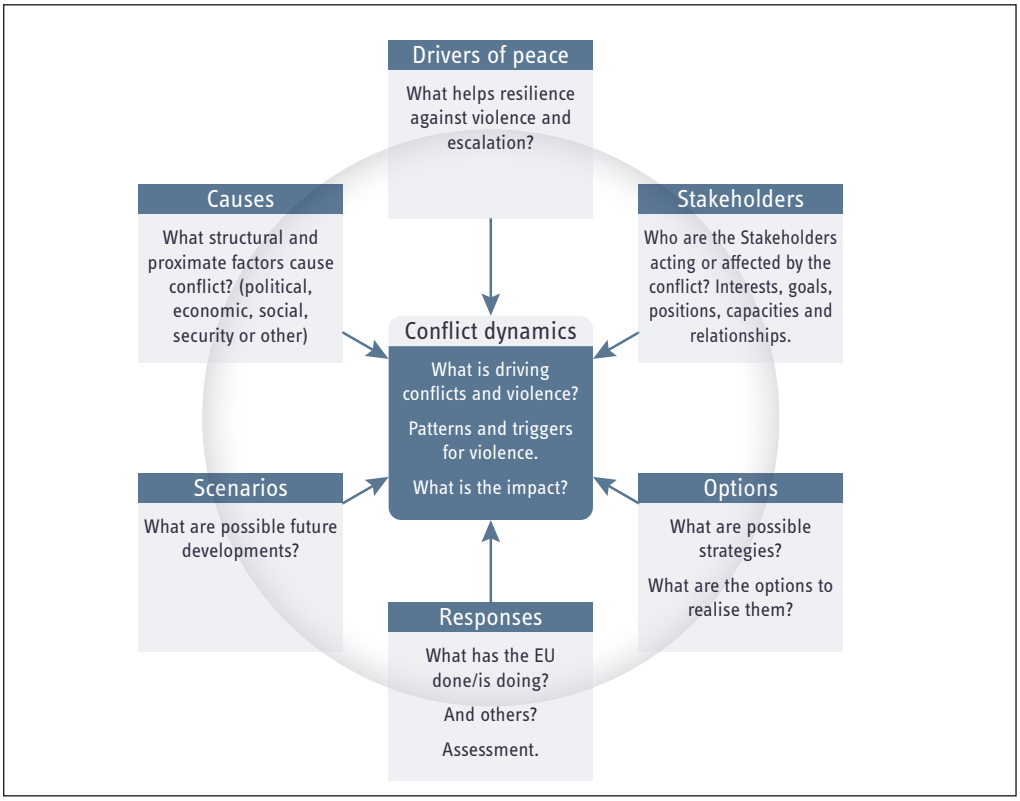
> 'The EU enjoys a good record on pre-emptive peacebuilding and diplomacy. We will therefore redouble our efforts on prevention, monitoring root causes … Early warning is of little use unless it is followed by early action. This implies regular reporting and proposals to the Council, engaging in preventive diplomacy and mediation by mobilising EU Delegations and Special Representatives, and deepening partnerships with civil society. We must develop a political culture of acting sooner in response to the risk of violent conflict.'[10]

The EU's approach to conflict prevention has always been one that tackles the 'root causes' – i.e. the underlying sources of tensions, in order to prevent conflicts from arising and spreading. Whether called the 'comprehensive' approach to security, or the 'integrated' approach, this core principle remains the same. Given the complex, multifaceted and evolving nature of tensions and crises, the essential prerequisite for any strategic and operational decision is to develop a solid understanding of the root causes and drivers of conflict. To this end, the Union has developed a common methodology based on a systematic conflict analysis, to be used by decision-makers, practitioners and diplomats alike. In line with the comprehensive approach, this takes into account the analysis of the full spectrum of factors, including the structural causes, stakeholders involved, strategic choices, possible scenarios and the assessment of responses (see Figure 4).

To a large extent, the EU's scope for preventive diplomacy in the coming years will be determined by the implementation of its Global Strategy (EUGS), in place since June 2016. The EUGS introduced the 'integrated approach', which builds on its trademark 'comprehensive' security concept, so as to reflect the new level of ambition of Europe's foreign and security policy to address the full conflict cycle in a more coherent manner. At the institutional level, a new division was established under the European External Action Service (EEAS) to sustain the initiative: 'PRISM', standing for 'Prevention of Conflicts, Rule of Law/Security Sector Reform, Integrated Approach, Stabilisation and Mediation'. Created in January 2017 by merging the Conflict Prevention, Peacebuilding and Mediation Division with the Crisis Response and Coordination Division, PRISM responds directly to the EEAS Deputy Secretary General, and serves as a focal point for the EU's preventive diplomacy, and for inter-consultation between the EEAS's geographical and horizontal services, providing expertise, training and operational support in the different phases of the conflict cycle, including analysis and early warning.

10. European External Action Service, 'Shared Vision, Common Action: A Stronger Europe - A Global Strategy for the European Union's Foreign and Security Policy', 29 June 2016. Available at: http://eeas.europa.eu/archives/docs/top_stories/preventive diplomacyf/eugs_review_web.pdf.

FIGURE 4: CONFLICT ANALYSIS IN THE EU

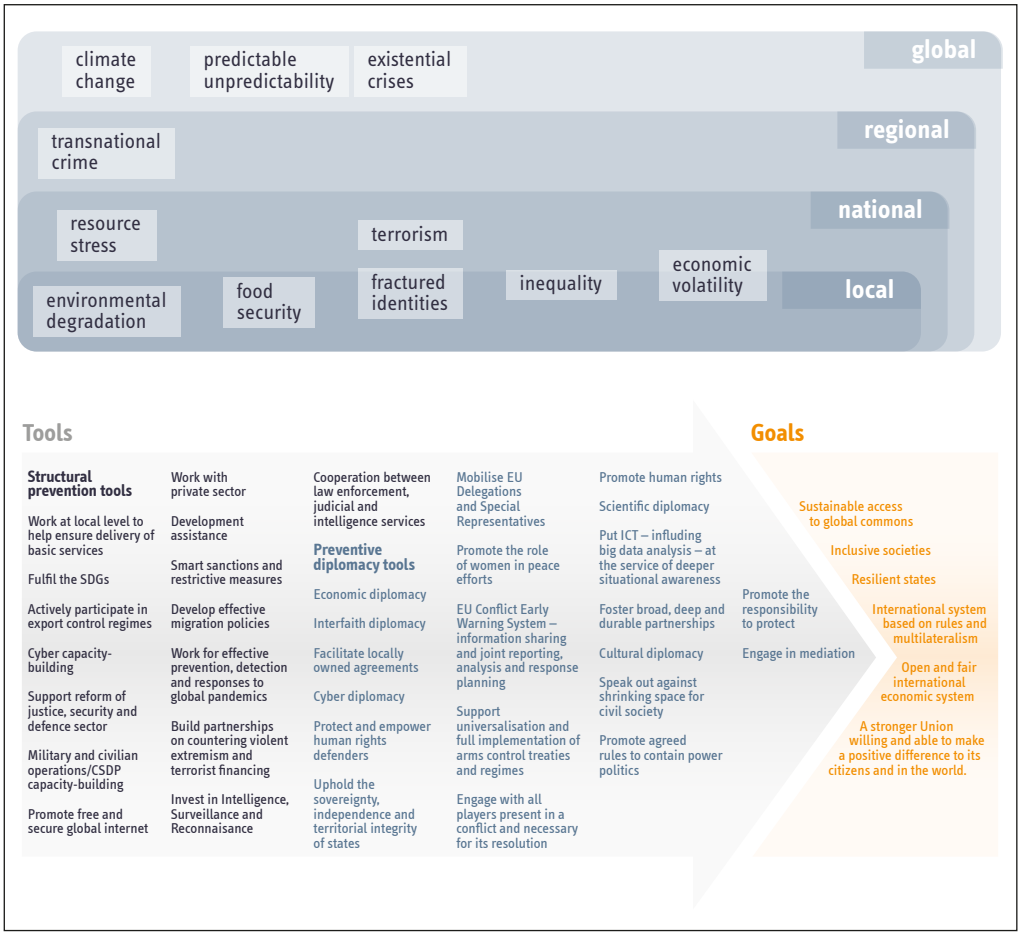


Source: 2015 CSDP handbook on missions and operations.[11]

The EUGS recognises that conflict plays out at multiple levels: local, national, regional and global. A number of interconnected issues, ranging from environmental degradation and inequality to the predictable unpredictability of the global order, drive these conflict systems. In order to address this, the EUGS proposes a multilevel approach applying a wide range of different preventive actions, some of which clearly fall within the realm of diplomacy while others, for example work with the private sector and building cyber capacities, go beyond diplomatic interaction. In a complex and contested world the EUGS provides a clear set of goals that the EU seeks to achieve through its actions: sustainable access to global commons, inclusive societies, resilient states, an international system based on rules and multilateralism, an open and fair economic system with a stronger Union willing and able to make a positive difference to its citizens and the world as its lynchpin.

11. 2015 CSDP handbook on missions and operations. Available at: https://eeas.europa.eu/headquarters/headquarters-homepage_en/9115/Handbook%20on%20Missions%20and%20Operations, p. 78

FIGURE 5: EU GLOBAL STRATEGY APPROACH TO CONFLICT



While the EUGS focuses extensively on conflict prevention, it has been formulated within a political context where public attention and the corresponding pressure on policy-makers is more focused on urgent crises than long-term strategies. It thus remains to be seen what new emphasis the EUGS will bring to the EU's preventive diplomacy in practice. This is where the peace-making community has a key role to play in ensuring the EEAS, the European Commission and member state ambitions remain high, and that they collectively deliver on the EUGS' preventive agenda.

1.2: The role of third parties: a pragmatic approach

Stine Lehmann-Larsen, Ingrid Magnusson and Anouk van den Akker

Preventive diplomacy is a difficult concept to put into practice. The speculative nature of prevention is one reason for this: it is difficult to know for sure that a crisis is about to break out. Another obstacle is the difficulty of knowing whether a crisis was indeed averted; preventive diplomacy is not as tangible as signing a peace agreement. And then there is also the question of sovereignty: in the absence of a crisis, governments typically prefer to keep outsiders 'out of their own business' or seek to pick and choose those aspects of international support that align with the interests of ruling elites. Despite the obstacles to preventive diplomacy, the ambitions set out in the EUGS are high – evident through the proposed *integrated approach* to conflicts and crises, for example. Funds and political support will be channeled to those areas deemed most important. Existing within a European foreign policy context, however, delivering the full potential of the EUGS – and the integrated approach as such – is subject to the full engagement of EU member states. The key question is thus how this political reality can be leveraged as fertile ground for preventive diplomacy.

From the point of view of Asian observers, EU-linked preventive diplomacy should not be seen as an activity in and of itself but rather understood as an integral part of EU foreign policy priorities based on EU interests. In other words, *principled pragmatism* – an expression used in the EUGS itself – is to be the stimulus to the prevention agenda. Four tactical suggestions on this pragmatic approach are proposed as the EEAS embarks on aligning its activities with the framework set out in the EUGS.

First, its regional focus in preventive diplomacy efforts needs to be targeted and realistic. Preventive diplomacy is highly political, not least due to the sovereignty issue. This is exacerbated by the fact that each of the member states needs to be aligned behind the approach. Advocates for more preventive diplomacy need to be aware of this context in order to avoid fighting a lost battle. For example, a pilot analysis from the EEAS' own Early Warning System, that was carried out using scientific methodology, indicated that Russia should feature on the prevention watch list. Due to diverging interests and priorities, EU member states would find it almost impossible to find common ground on such an issue. Peacemaking actors seeking to work with the EEAS should therefore think carefully about whether the regions in which they want to conduct preventive diplomacy are regarded as on the one hand too peripheral to elicit interest or on the other hand as too 'hot' to act upon. A case in point is the extended neighbourhood: while it is evidently an area of high interest to the EU it is also where individual member states are more likely to have divergent goals.

Second, preventive diplomacy must be able to target high-profile thematic issues. Prevention is not the highest priority of European taxpayers, the constituency that ultimately determines what European member states push for when implementing the EUGS. This is not surprising, as urgent crises are unfolding on their doorsteps, shaping

their perceptions of what issues are the most important to be addressed. A solution to this dilemma is to frame prevention as part of the thematic political priorities of the day. For example, the October 2016 Council Conclusions, which followed the publication of the EUGS, in substance focused on migration and counter-terrorism. A pragmatic response to this could be to undertake preventive diplomacy in areas exposed to large migratory flows or communities vulnerable to radicalisation. By targeting rather than competing with the most urgent political priorities of the European public – and thereby of the EEAS and EU member states – a space can be created for prevention.

Third, the essence of the EUGS and the integrated approach is to undertake an ambitious yet pragmatic foreign policy that remains within the parameters of the EU's and member states' existing tools and structures. This also goes for preventive diplomacy, which should be integrated throughout rather than undertaken as an add-on. A prime example is the *EUGS Implementation Plan on Security and Defence,* presented by HR/VP Mogherini at the Foreign Affairs Council in November 2016. Although focusing on security and defence, one of the first terms the plan mentions is prevention, subtly setting the tone for the integrated approach. The EEAS will need support in developing the capacity to achieve this. It can work with strategic partners to act in areas where it does not have the resources or scope to do so. This brings us to the fourth consideration of the pragmatic approach: the role of non-state actors.

If the EUGS is to be interpreted pragmatically, there is a clear-cut role for non-state based peacemakers to support the EU in its conflict-prevention efforts. These partnerships already exist, but can be further developed and extended. Specifically, this concerns:

- *Generating and sharing knowledge on effective preventive diplomacy*. Compared to mediation, preventive diplomacy features less prominently in the repertoire and vocabulary of EU politicians and institutions At the same time, the EEAS is a responsive, and in many respects overburdened, service. Its staff have little time to develop new approaches and concepts on preventive diplomacy such as identifying and developing means of prevention.

- *Developing effective knowledge management systems.* The EEAS undertakes substantive preventive work through its diplomacy, but without systematic evaluation it is difficult to learn the right lessons. This is unfortunate, as diplomacy can achieve a great deal when it is applied by well-situated actors, at the right time, and in a tactical manner. Unaffected by institutional rotation formats that may impede drawing lessons learned, and with expertise on the matter at hand, non-state partners can provide the EEAS with helpful knowledge management structures to refine this practice.

- *Mobilising experts for preventive interventions.* When the EEAS human resources are unavailable, oversubscribed, or benefit from being complemented, non-state partners can be of particular help. In some thematic areas, such as engagement

with proscribed groups, it makes little sense to develop in-house EEAS expertise if external partners are well-equipped and available to play a supporting role.

- *Undertaking discreet preventive interventions that flank and complement the activities of the EU or member states.* This is useful in those areas where preventive action is deemed necessary but needs to be conducted circumspectly and from a distance due to political sensitivities. Prevention, which can be perceived as being at odds with sovereignty, is a political arena in which non-state actors – having more autonomy and a lower political profile – may be useful partners.

It goes without saying that there can be many other dimensions to a pragmatic approach by the EU in developing its options for prevention.. The suggestions made here seek to demonstrate some of the possibilities of integrating preventive diplomacy more firmly into EU action. Although the dynamics that make up EU foreign policy are tricky and highly political, the language of the EUGS demonstrates the EEAS hierarchy's – as well as many member states' – desire to invest more in conflict prevention. In the current political climate, there is a risk that imminent security threats take precedence over long-term stabilisation and preventive efforts. This is not likely to change anytime soon. It is therefore crucial to respond to the call for prevention with some degree of pragmatism – and that the EEAS' friends and partners provide strong support for such an approach.

1.3: The EU's contribution to the ARF agenda

Guy Banim

The ARF approach to preventive diplomacy

The institutional architecture of the Asian region is very different from that of Europe. There is no preventive diplomacy actor sharing the characteristics of the European Union. Rather, in keeping with the geostrategic realities of the region, the ten ASEAN states have invited seventeen other partners[12] to come together in the ASEAN Regional Forum (ARF), an intergovernmental forum for security dialogue. This forum, established in 1994, has set itself the explicit goal of making 'significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region.'[13] In pursuit of this goal the main role of the ARF has been to establish a normative framework for preventive diplomacy activities rather than to behave as an actor itself. The ARF definition highlights the importance of preventive diplomacy as:

> 'a consensual diplomatic and political action undertaken by sovereign states with the consent of all directly involved parties to help prevent disputes and conflicts from arising between states that could potentially pose a threat to regional peace and security, to help prevent such disputes and conflicts from escalating into armed confrontation, and to help minimise the impact of such disputes and conflicts in the region.'[14]

This definition narrows the more generic understanding of preventive diplomacy by emphasising consent of all parties and limiting its application to actions undertaken by sovereign states. While this is in keeping with the attachment of the foreign policy elites of the region to the principles of non-intervention and the primacy of state sovereignty, it is problematic that it elides the activities of multilateral organisations such as the UN and the EU as well as the range of private diplomacy/non-state actors and civil society.

Participating ARF states have agreed on the types of measures that could be undertaken within the ARF framework, including to:

- develop a set of guidelines for the peaceful settlement of disputes, taking into account the principles in the UN Charter and the Treaty on Amity and Cooperation;
- explore and devise ways and means to prevent conflict;

12. Australia, Bangladesh, Canada, the People's Republic of China, the European Union, India, Japan, North Korea, South Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russia, East Timor, United States and Sri Lanka.

13.ASEAN Regional Forum, 'Chairman's Statement of the 1st Meeting of the ASEAN Regional Forum', (Bangkok, 25 July 1994).

14. ASEAN Regional Forum, 'Concept and Principles of Preventive Diplomacy', Adopted at the Eighth ASEAN Regional Forum (Hanoi: ASEAN Regional Forum, 25 July 2001). See: www.aseansec.org.

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

- explore the idea of establishing a Regional Risk Reduction Centre which could serve as a database for exchange of information.[15]

Terms of Reference have subsequently been agreed by the ARF for a *Friends of the Chair* mechanism that could assist the ARF Chair in dealing with international situations, which affect peace and security in the region, such as serving as 'good offices' in times of emergency and crisis. It would consist of a troika consisting of the foreign ministers of the immediate past and future ARF Chairing countries, and a non-ASEAN ARF country.

Just as with the EU, the ARF itself can be said to be a process of preventive diplomacy: a regular security forum at ministerial level where the EU is joined by states as diverse as North Korea, East Timor and Burma/Myanmar is not insignificant. Critics however point out that the many debates on preventive diplomacy within the ARF framework have resulted in little more than conceptual abstractions. Moreover many of the various mechanisms and procedures only exist on paper and, with the exception of the Annual Security Outlook, remain only aspirations that are unlikely to be realised without a step change in how participating states relate to the ARF.

A paradox then emerges. While the ARF itself seems unable, unwilling or unsuited to undertake preventive diplomacy there are a numerous examples of preventive engagements undertaken by third parties acting within the ARF region. Whilst not mandated or instigated by the ARF, they broadly conform to the ARF understanding of preventive diplomacy actions.

As noted, not being a sovereign state the EU is not a preventive diplomacy actor according to a strict reading of the ARF definition. It has however been playing an important role in this domain not least because of its willingness to explicitly adopt a preventive approach in its public and private diplomacy.

Latest initiatives and activities

A number of practical activities have recently been conducted within the framework of the ARF, namely a sequence of roundtables and symposiums on preventive diplomacy as well as training sessions for officials of participating states action in preventive diplomacy, mediation and peacebuilding. For example,

- ARF Roundtable on Training Resources for Preventive Diplomacy (20-21 March 2014), co-chaired by Brunei Darussalam, China, New Zealand and the United States

15. ASEAN Regional Forum, 'ARF Workplan on Preventive Diplomacy', Adopted at the 18th ARF, Bali, 23 July 2011.

- ARF Seminar co-chaired by Brunei Darussalam and EU on Preventive Diplomacy and Mediation Training (7-10 October 2014).

- ARF Training Course on Preventive Diplomacy (13-19 October 2014), co-chaired by Thailand, China, New Zealand and the United States.

- ARF Track 1.5 Preventive Diplomacy symposium (1-2 July 2015) co-chaired by Thailand, New Zealand and the United States.

- ARF Seminar and Training on Preventive Diplomacy and Mediation (29 November – 2 December 2015) co-chaired by Indonesia and the EU.

- ARF Seminar on Preventive Diplomacy, Mediation and Early Warning Systems (scheduled 19-21 June 2017) co-chaired by Burma/Myanmar, the US and the EU.

The EU championed such initiatives while co-chairing (together with Burma/Myanmar) the ARF Inter-Sessional Support Group on Confidence-Building Measures and Preventive Diplomacy and the related Defence Officials Dialogue during 2013/14. In addition to supporting the three Preventive Diplomacy and Mediation training courses, the EU hosted in March 2014 a dedicated European Security and Defence College (ESDC) training course on Common Security and Defence Policy (CSDP) open to all ARF members. The EU has also promoted the building of synergies between the ASEAN Institute for Peace and Reconciliation (AIPR) and the ARF mechanisms: the Seminars and Trainings on Preventive Diplomacy started with a first segment dedicated to the members of the AIPR Governing Council and Advisory Board with the aim of supporting its role to act as a hub for best practices and knowledge of regional actors.

Meanwhile at track two level, EU academic and researcher networks are actively represented in meetings of the Council for Security Cooperation in the Asia Pacific (CSCAP). The EU CSCAP committee has co-chaired the CSCAP study group 'Towards Preventive Diplomacy: promoting prospects for mediation and peaceful settlement of disputes in the Asia Pacific' during 2015/16. This has produced a study intended to bolster the ARF through an examination of regional case studies and the lessons to be learned from them.[16] The European nominee to the ARF panel of Expert and Eminent Persons has promoted synergies between the various forums and networks during the annual meetings of the EEPs.

What future potential for EU preventive diplomacy within the ARF framework?

The EU's future preventive diplomacy efforts within the ASEAN Regional Forum provide a framework for:

- Continued capacity-building exercises and coordination between participating states;

16. Available online at: http://www.cscap.org/index.php?page=towards-preventive-diplomacy.

- Sharing of best practices in devising knowledge management strategies and setting up a pool of experts in the field of peace and reconciliation, in particular mediators and mediation support experts, and drafting guidance material;

- Capturing lessons learned from the region based on ASEAN and its member states' long-standing experience in facilitation and mediation support;

- Strengthening cooperation between AIPR, as the ASEAN institution for research activities on peace, conflict management and conflict resolution, with the initiatives taken by ARF Expert and Eminent Persons, CSCAP and ASEAN-Institute of Strategic and International Studies (ISIS);

- Facilitating staff-to-staff exchanges and fellowships.

Conclusion

Preventive diplomacy has been discussed within the ARF framework for more than twenty years. This brief overview of the concept and respective institutional approaches of the EU and ARF aims to provide a succinct description of those discussions. It is widely acknowledged however that the abstract concept and framework requires interrogation on the basis of actual cases in order to gain meaning. Without contextualisation, the preventive diplomacy proposition remains hard to object to, but also often difficult to notice. The subsequent sections of this Report seek to meet this need by setting out several cases where it is argued that the EU applied a preventive diplomacy approach and then exploring future prospects and pitfalls in specific contexts.

II. THE EU'S PREVENTIVE DIPLOMACY IN ASIA: SELECTED CASE STUDIES

As demonstrated in the first section, concepts, tools, and political willingness to promote preventive diplomacy are not lacking on the EU side, at least not at the institutional level. The question is: does it work in practice? The study of several successful examples of preventive diplomacy intervention points out the crucial importance of context. The combination of a right time, right place and right actors often creates a unique momentum that ultimately enables a lasting crisis to be resolved. This was for instance the case of the settlement of the protracted conflict in Aceh in 2005. While the EU Monitoring Mission indeed played a key role in facilitating the negotiations and implementing the peace process, this would hardly have been possible without a window of opportunity provided by the domestic political context created by the arrival to power of the new Indonesian President Susilo Bambang Yudhoyono, and the 2004 tsunami disaster, which drew the attention of the international community to the region.[17]

The case studies in the section below examine the EU's involvement in four conflicts in the ARF region: Mindanao, Nepal, the Korean Peninsula and the South China Sea. The first two cases represent examples of intra-state crisis, driven by communal or religious tensions. While protracted and violent, the Mindanao crisis and the Nepalese civil war have ultimately been settled through sustained interest, dialogue, development assistance, and support of civil society – also thanks to European efforts. On the other hand, inter-state tensions and crisis that involve major strategic interests, as seen on the Korean Peninsula and in the South China Sea, are noticeably more complex and also more difficult to address through traditional preventive diplomacy means.

That does not mean that preventive diplomacy cannot succeed in addressing inter-state conflicts. In fact, several successful cases exist in the region – such as in East Timor, or in the Preah Vihear temple dispute between Cambodia and Thailand. According to one study, the success of inter-state preventive diplomacy critically depends on the level of great power interest, the perceived legitimacy of the preventive diplomacy actor, and the nature of agreement sought.[18] This is especially visible in the South China Sea, where the involvement of China limits the strategic choices of other claimant parties and therefore complicates negotiations, including on joint development regimes and other solutions under international law. Nonetheless, considering the promotion of the rule of law as a form of preventive diplomacy, EU efforts in the domain deserve closer examination.

17. Pierre-Antoine Braud and Giovanni Grevi, 'The EU mission in Aceh: implementing peace', *Occasional Paper* no. 61, EUISS, Paris, December 2005.

18. Amanda Huan and Ralf Emmers, 'What Explains the Success of Preventive Diplomacy in Southeast Asia?', *Global Change, Peace & Security* 29, no. 1, 2 January 2017, , pp.77–93.

2.1: Mindanao: preventive diplomacy and civil society

Plamen Tonchev

Introduction

Mindanao, the second-biggest island of the Philippines, is home to about 23 million people, which represents almost a quarter of the total population of the country. Muslims account for slightly more than 21% of Mindanao's population, i.e. some 5 million. Islam was introduced between the thirteenth and fifteenth centuries, and the Sulu Sultanate (1457) is believed to have been the oldest Muslim government set up in the region. Mindanao Muslims consider themselves a nation known as Bangsamoro, a combination of the Malayo-Polynesian word 'bangsa' (people) and the Spanish word 'moro' applied to predominantly Muslim Malay tribes. Under Spanish and US rule (from the sixteenth century to the end of World War II), a majority of Christian settlers emerged on the island, much to the frustration of Muslim inhabitants. Since the late 1960s a protracted conflict in Mindanao has led to some 120,000 deaths and the displacement of hundreds of thousands – possibly even millions – of people. Initially, the conflict was between the national armed forces and the so-called Moro National Liberation Front (MNLF), while since 1977 the breakaway group of the Moro Islamic Liberation Front (MILF) has been the principal actor in the Bangsamoro areas of Mindanao.

The EU has been committed to providing support to the peace process between the Government of the Philippines (GPH) and MILF through a twofold approach to both a political settlement and sustainable socio-economic development. Over the past 25 years, the EU has become actively involved in Mindanao, by providing funding either through a multi-donor trust fund administered by the World Bank or projects/programmes implemented by local civil society organisations and international NGOs.

Chronology of the peace process

Since 1990, the Autonomous Region of Muslim Mindanao (ARMM) has been established in parts of Mindanao where Muslims are in the majority. While Muslims' grievances and claims relate to colonial times, a brief review of the peace process might start in 1997, when an agreement on a general cessation of hostilities was reached. Two years later, formal peace negotiations commenced between Manila and MILF. Since then the format of the peace talks has changed considerably:

Timeline of the Mindanao peace process

- In 2001, the government of Malaysia was asked by the government of the Philippines to host GPH-MILF talks.
- In 2004, the parties agreed on the creation of an International Monitoring Team (IMT) tasked to verify the 1997 ceasefire by deploying 50 unarmed officers from Malaysia, Libya and Brunei.
- In 2008, the EU decided to start funding projects aiming at the enhancement of the peace process and Mindanao's development.
- In 2009, the IMT was expanded through the inclusion of: (i) two Norwegian officers whose task was to reinforce the security component, and (ii) two EU experts in human rights and humanitarian aid. In parallel, the IMT incorporated a civilian protection component through the engagement of one international and three local NGOs supported by the EU.
- At about the same time, the negotiating sides decided to set up an International Contact Group (ICG) acting as a team of observers and advising the parties. The ICG brought together four states (the UK, Japan, Turkey and Saudi Arabia) as well as four international NGOs (Conciliation Resources, the Community of Sant Egidio, the Centre for Humanitarian Dialogue and Muhammadiyah).
- In October 2012, the Framework Agreement on the Bangsamoro (FAB) was signed and a roadmap for the transition process was adopted. The central goal of FAB was the establishment of a self-governing entity called Bangsamoro which would replace the existing ARMM.
- In March 2014, the Comprehensive Agreement on the Bangsamoro (CAB) was signed in the Presidential Palace in Manila. Shortly afterwards, the draft Bangsamoro Basic Law (BBL) was tabled in Parliament.

A very unfortunate turn of events relates to the Mamasapano incident on 25 January 2015. An operation by the Special Action Forces (SAF) of the Philippine national police targeted a Malaysian extremist hiding in Mamasapano in the western part of the island. This led to a bloody confrontation between SAF and Muslim militants (Bangsamoro Islamic Freedom Fighters – BIFF) as well as MILF troops. In the wake of the bloodbath, which resulted in some 60 casualties, bitter recriminations were traded between MILF and the government of the Philippines. The MILF leadership put forward the argument that national armed forces should not have intervened in the ARMM. Manila retorted that it had jurisdiction over the entire territory of the country and that combating terrorism was a matter of national security. While the Mamasapano incident did not derail the peace talks, it certainly poisoned them and caused a considerable slowdown in the peace process. Suspicions ran high in Manila and in the end the BBL was not adopted by the May 2016 presidential election.

Assessment of challenges encountered along the way

The road of the Mindanao peace process has certainly been bumpy and tortuous. The list of key impediments encountered by the negotiating parties and mediators includes the following factors.

MILF negotiators insisted on a six-year roadmap which, however, was not accepted by the government of the Philippines, given that the outgoing president Benigno Aquino III was not entitled to a second term and the May 2016 election was seen as a cut-off date. While Manila's reservations were understandable, it should also be kept in mind that complex negotiations take time.

Although the peace talks with MILF were a flagship initiative launched by the former president, on the part of government of the Philippines the main difficulty appears to have been the shortage of political will. The political elite in Manila has definitely been ambivalent about the Bangsamoro cause. A highly autonomous entity established along federal lines is viewed by many as a challenge to the unitary state of the Philippines and a potential 'Pandora's box', given the aspirations of other regions in the country to obtain a special status.

At the same time, the main difficulty for MILF has been the shortage of capacity. While there are some highly educated and skilful negotiators, the middle and lower ranks of MILF's hierarchy are characterised by low levels of literacy and professional qualifications.

The institutional infrastructure created on the basis of the Framework Agreement on the Bangsamoro (FAB) may be criticised as being too heavy, costly and bureaucratic – which may well be true. A counterargument would be that through these institutions high- and mid-ranking MILF and ARMM officials have the chance to acquire much-needed experience.

Spoilers in such politically sensitive and charged negotiations cannot be precluded – and the Mamasapano incident is a case in point. Some interlocutors interviewed in Manila and Mindanao in early 2016 were of the opinion that, had Mamasapano not happened, the BBL could have gone through Parliament (Congress). Of course, this is a mere speculation that cannot be proven right or wrong. The emergence of the self-proclaimed Islamic State in 2014 has also been an impediment – it has reinforced suspicion in Manila that the prospective Bangsamoro entity might become a haven for Muslim extremists.

One of the inherent features of the Mindanao conflict is the inter-religious stand-off between the two main communities on the island, i.e. Christians and Muslims (while there are also indigenous people, in the range of 10% of the total population). Given the conflict between Christians and Muslims, it can easily be (mis)interpreted as a mini 'clash of civilisations' and this has necessitated a very careful approach by Western actors, including the EU.

Takeaways from the peace process to date

While the Mindanao conflict is far from over, the experience acquired so far is valuable and can serve as a foundation for further steps down the road. The key takeaways from the peace process to date are summarised below.

The EU approach to the Mindanao peace process has been different from that applied to other conflicts, notably to Aceh in next-door Indonesia in the previous decade. In the Aceh mediation process, the EU played a leading role in many ways, whereas in Mindanao it has been less prominent and therefore less visible. However, one may well argue that in this case visibility has been sacrificed in the name of substance. In fact, the EU's approach to Mindanao has been three-pronged: (i) it has been linked primarily to poverty alleviation (even if including conflict-related activities, such as de-mining); (ii) it has gradually prioritised the rule of law; and (iii) it has included elements of both advocacy and 'quiet diplomacy'. Given the complex three-sided conflict (among Christians, Muslims and indigenous people), the peace process in Mindanao seems to belong to a new generation of mediation efforts in which the EU is involved. Hence the broad spectrum of stakeholders, either at international or national or local level. While being less visible than in Aceh, the EU has rightly been providing support to all the three levels. For instance, a recent programme funded by the EU in Mindanao was implemented by Conciliation Resources, one of the four international NGOs acting as a member of the ICG, a facilitator of advocacy campaigns with a view to the adoption of the BBL and a provider of services in Mindanao itself through local partners.

It is above all at local level that useful experience has been acquired. A success story which deserves to be highlighted relates to the so-called Quick Response Teams (QRTs) trained through EU support and mediating between adjacent communities involved in conflicts over land and natural resources. These local conflicts, often taking the form of vendettas (or 'ridos', as they are known in the area) are potential small fires than can easily turn into large-scale wild fires and thus exacerbate the stand-off among the principal communities in Mindanao.

Another interesting takeaway is the training expertise that local peacebuilding actors have been equipped with through EU support. For instance, NGOs working together with Conciliation Resources have been able to persuade MILF commanders to accept negotiations with GPH representatives by taking into account their Islamic cultural background and presenting necessary messages accordingly.

One of the institutions set up under FAB is the so-called Third Party Monitoring Team (TPMT) that brings together two representatives of local NGOs and two representatives of international NGOs, and is headed by a former EU Ambassador to the Philippines. The TPMT submits periodic reports to both parties and issues high-quality public reports twice a year. Its most important – and arguably most controversial – role is to certify the end of the MILF decommissioning process.

What next?

Following the national election held in May 2016, a new President, Rodrigo Duterte, was sworn in on 30 June 2016. On 18 July 2016, he approved the so-called Peace and Development Roadmap, a formula which aims, *inter alia*, to address the Bangsamoro issue. In his first State of Nation address on 25 July 2016, the new president referred to the peace process in Mindanao by stating that he was ready to give MILF the Bangsamoro Basic Law it wanted, but minus the contentious provisions deemed unconstitutional. It remains to be seen what this means in practice and whether the MILF leadership would accept a 'light version' of the BBL. In fact, President Duterte's preoccupation with the war on drugs since the very beginning of his term of office appears to have downgraded the Mindanao conflict on the list of his priorities. Clashes that broke out in Marawi between jihadist groups and GPH security forces in May 2017 are a reminder that Mindanao remains a highly volatile area.

Hopefully, the peace process in Mindanao will continue, but it will be a long and winding road. No doubt, there is plenty of work to be done in the years to come. The EU, together with other donors active in the area (the Asian Development Bank-ADB, World Bank, the UN, the Japan International Cooperation Agency-JICA, USAID, AusAID, etc.) remains committed to peacebuilding in Mindanao. At present, EUD-Manila is engaged in the formulation of a comprehensive peace and development programme in Mindanao, which will presumably be launched in 2018 and it is hoped that conditions on the ground will provide a conducive political and operational setting for continued preventive diplomacy efforts.

2.2: Nepal: development, diplomacy, discretion and dialogue

Guy Banim

Introduction

The Comprehensive Peace Agreement (CPA) signed in Nepal in November 2006 ended a ten-year period of civil conflict that had resulted in over 12,000 deaths. While the CPA by no means marked the end of violent political contestation in Nepal, the ability to bring the parties together and reach sufficient consensus was a globally significant achievement.

The formal peace process and multi-layered negotiations that led up to the CPA were internally driven: there was no formally mandated third-party mediator. However a number of non-governmental and bilateral peacemakers as well as the UN played a role from the early 2000s onwards in creating spaces for dialogue, bringing expertise and building confidence through monitoring and advising on the process. Donors such as the UK Department for International Development (DfID), the United States Agency for International Development (USAID), Switzerland and Norway supplemented this with support to local civil society dialogue initiatives. This chapter highlights the important yet widely unacknowledged role the EU played as part of this preventive diplomacy effort, seeking through its diplomacy and development activities to contain the conflict and contribute to the resolution of its underlying causes.

Background to the conflict in Nepal[19]

Nepal's civil war is widely attributed to underlying structural poverty and socio-political inequality related to Nepal's embedded caste system and elite hierarchical structures. Grievances were exploited by the Communist Party of Nepal-Maoist (CPN-M), a highly politicised movement with explicitly ideological goals, who in 1996 issued a 40 point demand to the government and subsequently declared a 'People's War' when the authorities failed to respond. At the political level the conflict was a triangular power struggle between the Maoists, the Palace and the parliamentary political parties that essentially represented the urban middle class. Peace talks held in 2001 and 2003 broke down on the issue of the government's refusal to concede to the key Maoist demand of an unconditional constituent assembly. By 2006 the Palace was however no longer able to resist the popular pressure and between an interim government of the parliamentary parties and Maoist representatives formalised a ceasefire, cantonment of armed forces and a framework for elections to the constituent assembly.

19. For further details see Padma Prasad Khatiwada, *The Nepalese Peace Process: Faster Changes, Slower Progress*, Inclusive Political Settlements Paper 9 (Berlin: Berghof Foundation, 2014); Guy Banim *et al*, *An Inclusive Peace Process in Nepal and the Role of the EU* (Crisis Management Initiative, December 2007); Deepak Thapa and Alexander Ramsbotham, *Two Steps Forward, One Step Back: The Nepal Peace Process*, Accord (Conciliation Resources, March 2017); Teresa Whitfield, *Masala Peacemaking: Nepal's Peace Process and the Contribution of Outsiders* (Conflict Prevention and Peace Forum, 2008); Birendra Prasad Mishra, *The Nepalese Peace Process* (Kathmandu: FinePrint, 2009); Sebastian von Einsiedel, David M. Malone and Suman Pradhan, *Nepal in Transition: From People's War to Fragile Peace* (Cambridge University Press, 2012).

EU preventive diplomacy during the Nepalese civil war

Two factors have tended to obscure the efforts of third-party actors in supporting the Nepal process leading up to the signing of the CPA. Firstly, as has been noted, no third party had a publicly mandated mediation role in the various processes of dialogue between the Maoists, parliamentary parties and the Palace that took place at different occasions, levels and venues during the civil war. Nepali actors, with some justification, proudly portray the process as Nepali-led. Secondly, India pursued a policy of discouraging international attention to its neighbourhood and adhered to a rigid interpretation of the principle of non-intervention. Furthermore the UN Mission in Nepal (UNMIN) formally only arrived in January 2007 after the CPA had been signed, with a narrow formal mandate for the management of arms and armed personnel and election preparation. As a result some observers have concluded that Nepal should rather be considered a case of post-conflict peacebuilding rather than preventive diplomacy or peacemaking.

A more detailed analysis of the engagement of third parties in the period leading up to the CPA however reveals a plethora of actors engaging in numerous ways that sought to prevent escalation of the conflict and contribute to addressing its underlying causes. This is recounted in a paper published in 2008 that focuses in particular on the roles of the United Nations, Switzerland and India as well as the NGOs 'Centre for Humanitarian Dialogue' and 'the Carter Center.'[20] The EU did not have as prominent or high-profile a role as these actors, at least in so far as sustained direct contact with the parties and facilitation of meetings between them was concerned. However the following catalogue of EU initiatives covers a wide spectrum of the activities typically enumerated as tools of preventive diplomacy.

Engagement in conflict early warning, study and analysis

The political situation in Nepal was monitored constantly by the EC Delegation and EU Embassies present in country and was supplemented by a number of conflict analyses commissioned from external experts.[21]

This analysis provided the basis of an EU conflict mitigation strategy seeking a negotiated peaceful resolution of the conflict within a democratic framework and insisting on the respect of international human rights principles by all parties. EU financial assistance was tailored to help create the conditions for the achievement of these goals.

20. Teresa Whitfield, *Masala Peacemaking: Nepal's Peace Process and the Contribution of Outsiders* (Conflict Prevention and Peace Forum, 2008).

21. Jonathan Goodhand, *Nepal Conflict Assessment* (London: INTRAC for UK Department of International Development, 2000); Liz Philipson and Jan Hollants van Loocke, *Report of the EC Conflict Prevention Assessment Mission* (Brussels: European Commission, 2002); *Nepal in Conflict: Presentations, Discussion and Recommendation* (Copenhagen: Ministry of Foreign Affairs of Denmark, 2005); Uwe Kievelitz and Tara Polzer, *Nepal Country Study on Conflict Transformation and Peacebuilding* (Eschborn: GTZ, 2002); Masud Hossain, Lauri Siitonen, and Sudhindra Sharma, *Development Cooperation for Conflict Prevention and Resolution: Scope and Potentialities of Finland's Development Cooperation in Nepal* (Helsinki: Institute of Development Studies, University of Helsinki, 2006).

Prevention as a foundation of routine diplomatic relations

The EU had a number of channels of communication with the Royal Government of Nepal through which to pass messages. Diplomatic relations with Nepal were first established in the 1970s and an EEC Ambassador was accredited and an office opened in Kathmandu in 1992 providing a permanent point of contact. This was followed by the 1996 Cooperation Agreement between the EC and Nepal that established respect for human rights and democratic principles as the basis of the relationship and created an EC-Nepal Joint Commission as a diplomatic mechanism. Meetings of the Joint Commissions took place in 1996, 1999, 2002 and 2004. During these policy dialogue meetings the EU side sought to emphasise key issues of human rights, democracy and peacebuilding.[22]

Effective mobilisation of EU Delegations and local representatives

Diplomatic démarches were delivered on a frequent basis and were used to inform the Nepalese authorities of specific concerns that the EU might have. As the conflict escalated the EU used this channel to caution the government against pursuing a military solution to the conflict and recalled the obligations of the RNA under international humanitarian law, for instance the Geneva Convention provisions preventing troop transports on civilian bus services, and the importance the EU attached to protecting the role of human rights defenders. Pressure from EU member states present in Kathmandu and other like-minded countries, led the government to issue a Human Rights Commitment Paper confirming Nepal's obligations under national and international law. Following this, the EU Heads of Mission on 7 April and 9 August 2004 handed over a list of benchmarks based on the commitment paper as a direct effort to bring to bear diplomatic pressure on the conflict parties with a view to de-escalate the violence.

Under the 'EU Guidelines on the Protection of Human Rights Defenders' the EU Delegation in Nepal also had a specific responsibility to maintain contact with human rights defenders, give them visible recognition and observe trials as well as to report any threat or attack against individuals. With the imposition of a state of emergency on 1 February 2005 a number of fundamental rights were suspended and politicians, human rights activists and journalists were imprisoned. The EU Delegation worked with several of the other foreign missions present to visit places of detention and raise issues of concern with the authorities thereby seeking to reduce the polarisation of Nepali society along conflict lines.

Issuing of public statements and press communiqués

There were frequent public declarations by the EU as well as locally issued press releases coordinated with other partners and occasionally Conclusions of the European Council in response to the many twists and turns of the Nepalese political process. This often

22. *Evaluation of the Commission of the European Union Cooperation with Nepal - Country Level Report* (carried out by Particip, November 2011), p. 196.

involved speaking publicly against shrinking space for civil society and encouraging dialogue as a means to resolve the conflict.

Dispatch of envoys to encourage dialogue, compromise and the peaceful resolution of disputes

In response to mounting concern by the EU at the deteriorating situation in Nepal a first Troika delegation[23] visited Nepal from 13 to 15 December 2004. The stated aim of the Troika was to offer support to all efforts aimed at promoting multi-party democracy within the framework of a constitutional monarchy, underline the importance of respect for human rights as well as efforts to curtail violence and renew dialogue between the government of Nepal and the Maoists. The Troika articulated a consistent message, both publicly and privately, in support of a political solution through dialogue and negotiations between all sides as the only viable option that would meet the needs of all of Nepal's citizens. It was also made clear that the EU was ready to offer any support necessary to this end.

A second Troika delegation visited Nepal from 4 to 6 October 2005 with the objective of assessing developments since the previous visit. This provided an opportunity for the EU to publicly support the Maoist ceasefire and the efforts of the Seven Party Alliance (SPA) to maintain a common platform. A clear statement was made that the EU believed the assistance of an independent and credible external partner was needed to support an inclusive and comprehensive peace process.

Groups of friends

Throughout the conflict, development donors faced growing challenges regarding how to position themselves with respect to formal state permission to operate in rural areas *de facto* governed by Maoist authorities. After the breakdown of a ceasefire in August 2003, the European Commission, together with other bilateral donor agencies, adopted a set of Basic Operating Guidelines (BOGs) to emphasise the importance and responsibility of all parties to the conflict to maintain development space and provide access to beneficiaries in Nepal. The BOGs relied strongly on internationally recognised Humanitarian Law principles and reflected the specific conflict situation in Nepal. Within the BOGs framework the European Commission participated in regular informal co-ordination meetings with other donors. The group jointly sought to promote the BOGs at national, regional and district level to ensure effective delivery of development and humanitarian assistance and security for development workers in the field but also acted as a discrete mechanism for indirect communication between the conflict parties and international partners.

23. Under the pre-Lisbon institutional framework 'Troika' visits by senior officials from Brussels and the rotating EU Presidency were a mechanism to facilitate high-level contacts, short of formal visits by a European Commissioner or the High Representative for Foreign Affairs and Security Policy.

Offers of expertise and rapid release of funds for capacity development

Following the 2002 Conflict Assessment Mission a short, medium and long-term strategy for financial support for conflict mitigation initiatives was developed for Nepal. In the short term rapid support was provided to fund a number of grassroots initiatives. This included the financing of a local peace infrastructure in the form of a public resource library 'Friends for Peace' in Kathmandu, providing technical expertise on peacemaking and peacebuilding and facilitating greater participation of civil society organisations and key figures in re-launching the peace process. Another project, implemented by International IDEA, supported dialogues in and beyond the capital of Kathmandu with international and national experts on the constitutional issues to be resolved ahead of a comprehensive political settlement. The dialogues were supplemented with information emanating from a 'State of Democracy in Nepal survey', international experiences and applied research. This project culminated in November 2004 with a National Conference/People's Forum in Kathmandu with more than 800 participants, a not insignificant venue-setting achievement given the gulf between urban and rural opinion that was a central driver of the conflict.

Over the medium term €2.8 million was allocated for a first Conflict Mitigation Package of media and mass communication activities and support for concrete measures to improve the living conditions of the most vulnerable and conflict-affected local communities of the mid-western region. A second €7 million Conflict Mitigation Package sought to increase the institutional capacity to protect people's rights and to uphold the rule of law in the conflict-affected country through support to the National Human Rights Commission, judiciary and improved access to legal representation through capacity building of the National Bar Association. An additional €5 million was provided to the monitoring mission of the UN Office for the High Commissioner for Human Rights to raise awareness of, and capacity to implement, national and international humanitarian law, and provide an independent investigation into conflict-related abuses of human rights.

In parallel, the European Initiative for Democracy and Human Rights (EIDHR) provided small-scale grants to Nepalese NGOs for activities related to combating discrimination; promoting the rule of law; freedom of the media and conflict mediation and dialogue.

Deployment of missions for monitoring, fact-finding and investigation/establishment of regional centres

In view of the permanent presence of an EU Delegation and diplomatic missions of the EU member states there was less need than the UN mechanisms had for *ad hoc* mission deployments to undertake routine monitoring of the situation. It was however recognised that the expatriate diplomatic, development and humanitarian community struggled to gain an accurate picture of events in remote rural areas. Local staff and counterparts tended to come from urban elites and hence reflect a particular perspec-

tive on the conflict. Field visits by EU staff to regional offices of NGO partners, the National Human Rights Commission and in the latter phase the monitoring reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) mission, as well as the analysis commissioned from independent experts, were essential to provide a more balanced picture of the situation. Visits to rural areas could also have a protective function for civilians at risk of abuses committed by the conflict parties as all sides in the conflict cultivated the opinion of the international community in the belief that respect for international norms would enhance their legitimacy.

Engagement of all players present in a conflict and necessary for its resolution

Inevitably the formal state-based diplomatic framework within which the EU was operating meant that engagement was typically with government officials and any engagement, however informal, with either Palace or Maoist interlocutors needed delicate handling. The EU also lacked a senior focal point to engage on a permanent basis with the local actors in discussions that required a high degree of trust and confidence building. On the other hand the portfolio of projects supported by the EU, the dense network of Nepali civil society and NGO actors as well as the high degree of exchange between the many international peacemaking actors operating in a close-knit international community allowed for relatively open channels of communication with the Maoists. Establishing reliable interlocutors with the Palace proved more challenging however.

Assessment and lessons learnt

Speaking in November 2016 on the 10th anniversary of the CPA Rensje Teerink, the EU Head of Delegation remarked: 'The EU has been working in Nepal and other parts of the world in the sector of conflict management for a long time. It has been extending its assistance to devise plans and policies to manage conflicts in conflict-ridden countries. We have given top priority to Nepal's peace process and have also made important contributions.'[24]

It is undoubtedly the case that the EU has expended substantial financial and political resources in an effort to mitigate the conflict and support Nepal's peace process. As an actor the EU was often operating primarily in development donor mode. It would be wrong however to imagine a sharp dividing line between financial assistance and diplomatic engagement, and the EU from the outset had explicitly political goals that were pursued through diplomatic methods. These initiatives and activities can properly be characterised as efforts at preventive diplomacy.

The Nepal case is significant in demonstrating the preparedness on the part of a government in the Asian region to invite third-party actors (bilateral, multilateral and NGO) to offer expertise, support dialogue, build capacities, undertake fact-finding

24. Interview of EU Ambassador to Nepal, H.E. Ms. Rensje Teerink, published in the vernacular daily *Naya Patrika* on 24 November, 2016

and monitor processes. Such support from the international community was also solicited by other parties to the conflict.

It remains difficult to assess the overall effectiveness of the preventive diplomacy and broader conflict mitigation support provided by the EU and others in the international community. Certainly there was no single initiative that can be said to have had a direct causal effect on the trajectory of the dialogue process.

One commentator is probably right to conclude that 'while the overall impact of the external actors was, for the most part, less than the perception of the external actors themselves suggested, it was nevertheless helpful'. The same writer points in particular to the contacts with outsiders that helped maintain 'the idea that it was possible to talk to the other side – and thus lay the groundwork for the solution of the conflict by political means'.[25]

The overall strategy of the EU, together with other like-minded countries, was to appeal to the Nepali actors' attachment to a normative framework that ruled out the possibility of successfully pursuing a military-led solution and thereby incentivise them to commit to the political path. Meanwhile project support helped build the capacity of local infrastructures for peace, such as the human rights community and legal profession. Informal and behind-the-scenes diplomatic activity then contributed to building confidence allowing the parties to communicate, explore options for the future and eventually reach the necessary common ground that underpinned the 2006 Comprehensive Peace Agreement.

This examination of the application of preventive diplomacy tools by the EU in the complex Nepali system of relationships between local actors embedded within a wider international context suggests a rethinking of the traditional preventive diplomacy model. Preventive diplomacy is perhaps less about seeking consent and mandate for short-term crisis missions and visits by hitherto unengaged third parties and more about improving the effectiveness of business-as-usual diplomatic practice and making effective use of the multiple opportunities presented by a permanent diplomatic presence.

25. Whitfield, op. cit. in note 20.

2.3: The Korean Peninsula: conflict resolution, not prevention

Bernt Berger

A focus on the potential of preventive diplomacy in dealing with the critical situation on the Korean Peninsula is of interest chiefly for two reasons. First, it opens the door for a shift of perspective towards conflict resolution. Second, it helps to prepare the parties for possible future security and peace negotiations. By contrast, during the past two decades, negotiations between the US and the Democratic People's Republic of Korea (DPRK) and multilateral talks on denuclearisation elevated the importance of strategic security as the key issue on the Peninsula and added to frictions between the respective actors who clashed over non-negotiable interests and conditions. The only way out of this impasse is via a solid conflict-resolution approach addressing all security needs, the nuclear issue, inter-Korean *rapprochement* and multilateral involvement based on comprehensive road-mapping.

The present context

During the past year, the leadership in North Korea has demonstrated its determination to pursue its objective of developing a nuclear deterrent. In September 2016, it conducted its fifth nuclear test. The test was the largest so far although, according to Pyongyang's declarations, it did not possess the capability to produce miniaturised technology for missile-ready warheads. In February 2017, the test of its Pukguksong-2, a land-based long-range solid fuel missile, demonstrated that it was able to develop or acquire tactically advantageous technologies faster than previously anticipated. Five additional missile tests were conducted between February and May 2017, involving a KN-17 medium-range ballistic missile. Recent technological advances have facilitated the North Korean regime's objective of achieving a full nuclear deterrent.

After the so-called Leap-Day Agreement failed in 2012, US policy was more directed at preventing diplomacy rather than making any moves towards resolving outstanding issues in negotiations. While the Obama Administration's strategic priorities lay in the MENA region, South Asia and the South China Sea, the assumption was that the combination of non-proliferation sanctions and the policy of 'strategic patience' would put the ball into North Korea's court. The idea was to force Pyongyang to implement previous agreements as a precondition for the US to return to the negotiating table.

Now, five years later, there is little that diplomacy can do bring the DPRK's nuclear programme to a halt and dissuade Pyongyang from attaining its goals. If it should achieve a new deterrence-based *status quo*, this would inevitably require a rethink of negotiation formats on the Peninsula. The altered *status quo* presents new opportunities for stabilising the security situation and breaking the ongoing cycle of confrontation and counter-confrontation (or provocation and counter-reaction, as it has tended to be perceived among all parties involved). From the North Korean regime's point of view, a *de facto*

nuclear deterrent will serve to safeguard the country's national security. Nevertheless, new formats of negotiation are needed that are based on the lessons learned from the Six-Party Talks (6PT). A preventive diplomacy approach that facilitates the preparation of such formats needs to take into account how current conflict dynamics have evolved and what factors have been at play.

The erosion of a minimal status quo

In order to understand the uncertain context wherein nuclear development and failed negotiations attempts took place, it is necessary to understand how the Armistice Agreement of 1953 originally defined the *status quo*,[26] and how this was eroded over time.

The inherent fragility of the military balance of power has contributed to increasing instability on the Peninsula. Over the decades, technological advances and North Korea's limited access to international arms procurement have created a strategic and military imbalance in the region. Paragraph 13(d) of the Armistice Treaty provided for the import of arms systems on the Peninsula for the purpose of piece-by-piece replacement only. The introduction of new weapons systems was prohibited for both sides. In hindsight, the provision was formulated on too short-term a basis to regulate conduct for over six decades.

Already in 1956, the US government acted upon the suspicion that the DPRK was not abiding by Paragraph 13(d). Tactical nuclear weapons were deployed in South Korea between 1957-58. The nuclearisation of the Peninsula became a game changer and from a security perspective the defining issue on all sides. During the 1980s the North Korean Yongbyon experimental reactor was installed, including a plutonium separation facility. In 1985 North Korea joined the Non-Proliferation Treaty (NPT) and declared the existence of its facilities to the International Atomic Energy Agency (IAEA). However, Pyongyang did not accept the comprehensive safeguards agreements and made its adherence conditional on the withdrawal of US nuclear weapons from South Korea. In 1991, the US Administration announced the unilateral withdrawal of all its land-based tactical nuclear weapons. The common denuclearisation efforts culminated in the Joint Declaration on North-South Denuclearisation in early 1992. Later in the same year, North Korea accepted NPT requirements for safeguards and inspections.

In October 1994, the US and North Korea adopted the so-called Agreed Framework.[27] The document provided for arrangements to replace North Korea's nuclear programme with light water reactor power plants. The implementation of the energy-related provisions in the agreement was taken over by the Korean Peninsula Energy Development Organization (KEDO). The Consortium initially consisted of the US,

26. Armistice Agreement for the Restoration of the South Korean State, 27 July 1953.

27. Agreed Framework between the United States of America and the Democratic People's Republic of Korea, 21 October 1994.

South Korea and Japan. The EU joined the initiative in 1997, represented by EURATOM. The agreement failed in 2003 when North Korea announced its withdrawal from the NPT. The move was preceded by the US accusing North Korea of breaching the agreement by resuming its underground uranium enrichment programme at Kumchang-ni. Meanwhile, the US refused to lift sanctions against the country and made any such move conditional upon non-proliferation cooperation in missile technologies. Instead, after the DPRK had tested a Taepodong-1 missile in August 1998 and a No-dong-1 ballistic missile in early 2000, the US applied new sanctions. Overall, neither Pyongyang nor the US Administration demonstrated great commitment to the process and both parties only met their obligations reluctantly and at a slow pace.

Following the reconfiguration of the geopolitical landscape after the end of the Cold War, North Korea's strategic allies had become less reliable. An increasing imbalance in conventional weapons systems on the Peninsula and the death of Kim Ill-sung in 1994 added to the uncertainties. The regime laid stronger emphasis on shoring up its national security and gradually introduced its 'Military First' (*Songun*) policy. With the eroding *status quo*, strategic security concerns took centre stage. This trend was catalysed by the US's increasing insistence on denuclearisation.

The implementation of the Agreed Framework came to a halt in October 2002 following accusations by the US that the secret uranium enrichment programme was still operative. North Korea expelled monitors and in January 2003 announced its withdrawal from the NPT. In a situation where normalisation of relations between the US and North Korea was deemed impossible, Pyongyang needed to find an asymmetric answer to its perceived military weakness. Nuclear deterrence thus became essential to guarantee its security.

Lopsided negotiations

The 6PT constituted a concerted attempt by all regional parties to drive the arms control process on the Peninsula forward. Yet, the renewed talks reflected the stability and security priorities of regional parties more than those of North Korea. Instead of taking into account issues that had proved to be stumbling blocks in previous arrangements, talks more or less began where the implementation of the Agreed Framework had stalled. The items on the agenda were broadly defined as:

- The elimination of nuclear facilities and the construction of light water reactors and the peaceful and civilian use of nuclear energy
- The normalisation of diplomatic relations between the US and North Korea and lifting of economic sanctions
- The verification of disarmament and monitoring of non-proliferation under the auspices of the IAEA
- The provision of security assurances by the US.

After preparatory meetings, the first 6PT were held in 2003. After six rounds of talks, in October 2007 the parties concluded a Joint Statement involving measures targeting the nuclear programme, envisioning the normalisation of diplomatic relations and the provision of humanitarian and energy assistance. Overall the agreement did not redress the lopsided focus of previous initiatives.

In September 2007, North Korea committed itself to disable all nuclear facilities according to the terms of the Joint Statement of September 2005. Additionally, it agreed to provide a complete declaration of its nuclear programmes and to refrain from proliferating any nuclear materials, technology and know-how to third countries. In return the other parties pledged economic, energy and humanitarian assistance. Moreover, the US committed itself to normalise diplomatic relations with North Korea by exchanging ambassadors and lifting sanctions against North Korea as a state sponsor of terrorism (under the 'Trading with the Enemy Act'). However, this agreement was doomed to failure, for two reasons.

First, Pyongyang had explicitly made it clear that it needed security guarantees in order to take any action in dismantling its weapons programme. However, this minimal demand for a conditional *quid pro quo* came to nothing. The US Administration offered a multilateral security guarantee but resisted signing any bilateral treaty. Pyongyang has since requested a treaty that would be consistent and outlast the policy preferences of successive US Administrations. Neglect of this substantial security concern has been an ongoing shortcoming of talks. This omission not only led to deteriorating trust but also made confidence-building measures (CBMs) futile from the outset.

Second, the various interpretations of why North Korea initially accepted the agreement but then backtracked at a later stage, resulted in a narrative that undermined any diplomatic process and prospects of conflict resolution. In fact, Pyongyang sought to use its nuclear diplomacy as a means of leverage, in order to persuade the US to normalise relations with North Korea and eventually sign a (comprehensive) peace treaty. This approach was, however, interpreted as Pyongyang trying to use its nuclear programme as a bargaining chip in order to extract more economic assistance from the US, while playing for time in order to further develop its nuclear capabilities. Some commentators even went so far as to say that there were not any incentives that would convince the DPRK to give up its ambitions. Rather, the hidden agenda was to establish a level playing field with the US in order to achieve goals such as regime security, while gaining leverage over South Korea. Such arguments might indeed have become a self-fulfilling prophecy.

The events following the Joint Statement of October 2007 that led to the end of the 6PT were both a reflection of the US repeatedly failing to respond to North Korea's security and economic needs and at the same time North Korea becoming more assertive for domestic and international reasons.

Top-down diplomacy

A range of preconceptions that dominated negotiations with North Korea have in return reinforced the perception that talks had not been conducted on an equal footing from the beginning. A key event was President Bush's 2002 State of the Union address, wherein he declared North Korea to be part of an 'Axis of Evil' in line with Iraq and Iran. The invasion of Iraq, Afghanistan and later the removal of the Gaddafi regime in Libya sent clear signals that the US would not hesitate to intervene in other countries with the goal of regime change. This, combined with Washington's resistance to normalising diplomatic relations, reinforced the perception in Pyongyang that negotiations were skewed against North Korea.

Pyongyang, which sees itself as having been locked in a frozen war with the US since 1953, is concerned that it is a potential target for intervention or preventive strikes. Sanctions are a means of both weakening and containing the country. Narratives about an impending regime collapse and US-RoK joint military drills involving landing manoeuvres have buttressed such a scenario.

On the diplomatic level the US has sought to persuade the DPRK to undertake certain steps, and thereby induce behaviour which would inspire greater confidence in the regime's good faith. Legally North Korea is expected to comply with international norms, relating not only to issues such as non-proliferation but also the provisions of UN Security Council Resolutions (UNSCRs). Compliance with international regimes would, in turn, help to improve North Korea's trustworthiness, which in return would be rewarded with the continuation of diplomacy, lifting of sanctions and renewed economic relations. But this unidirectional conditionality ignores key elements of the ongoing conflict and concessions that need to be made, in order to achieve viable outcomes among equal and sovereign negotiation partners.

Post-2009 escalation cycles

After the 6PT were discontinued, crisis management replaced active diplomacy. The course of events led to new cycles of perceived provocations and counter-provocations based on the limited use of violence. Most prominently, the sinking of the South Korean Navy Corvette *Cheonan* in March 2010 happened alongside major US-RoK Foal Eagle joint military exercises. The incident occurred in sensitive maritime territory along the disputed Northern Limit Line. In response, the Chinese State Councilor Dai Bingguo actively pursued preventive shuttle diplomacy between the two Koreas in order to prevent any escalation. In the years to follow, the North repeatedly reacted to the joint military exercises with minor provocations such as shooting short-range missiles into the sea. The 2012 nuclear test led to Beijing reconsidering its regional security interests and in January 2013 China supported UNSCR 2087 *vis-à-vis* North Korea. Most recently, the landmine incident in August 2015 finally led to a standstill in inter-Korean relations. The most recent display of strength from the side of the US in 2017 has

reignited the escalation cycle to a degree that the Korean Peninsula has not witnessed for a long time.

Throughout the process, informal Track I-II meetings took place which at best concentrated on possible small steps and CBMs. However, given the structural shortcomings of previous agreements, a resumption of talks required more fundamental and rigorous decisions rather than a mere display of goodwill. North Korea eventually disengaged from most informal formats. Its representatives accused the US of a lack of engagement, and also criticised the process as repetitive and ultimately lacking in substance.

A change of perspective

Ever since the Korean War broke out 67 years ago, a range of preventive diplomacy measures have been applied. For instance, the inter-military Armistice Agreement of 1953 included the Demilitarized Zone (DMZ) along the 38th Parallel as well as subsequent preventive measures including the 'bilateral hotline' as provided in the inter-Korean Joint Communiqué of 1972. On the intergovernmental level, classic *rapprochement* measures, including the 1991 Basic Agreement[28] resembling the underlying idea of the German *Grundlagenvertrag* of 1972, were adopted. In principle, it laid the basis for non-aggressive conduct and closer cooperation.

Today, given the current escalatory situation on the Peninsula, the possible role of preventive diplomacy lies particularly in a shift of perspective towards conflict resolution. Instead of focusing on strategic security interests, the motives and scope of action of the parties need to be examined.

The focus on conflict resolution also provides a toolkit for talks and measures to lay the groundwork for a future process that has been unmediated and unstructured so far. Instead of CBMs, peacebuilding initiatives could gain greater significance. Rather than refocusing on the plethora of failed past agreements, a change of perspective, away from the unidimensional focus on denuclearisation, is needed. A more comprehensive, structured and inclusive peace process that would serve the needs of all parties is essential, if talks are to yield positive outcomes in the future.

Thus, a crucial next step is to prepare future talks both conceptually and in terms of content. Such preparedness includes road-mapping based on well-sequenced steps addressing all contentious issues and regional relationship constellations. This also involves clear technical guidance and direction on denuclearisation procedures. Third party mediation has been underexplored so far and would need to be discussed with the key parties including the US, North Korea, South Korea and China.

28. 'Agreement on Reconciliation, Non-aggression, and Exchanges and Cooperation between the South and North', 25 March 1992.

2.4: The South China Sea: rule of law as a tool of preventive diplomacy

Matthieu Burnay and Marta Hermez

The EU and the South China Sea disputes

The South China Sea (SCS) represents a strategic waterway of global significance: it is a key maritime link between the Indian Ocean and East Asia. Moreover some of the world's busiest and thus most important sea routes and sea lines of communication (SLOCs) pass through the SCS.[29] As a crucial area for Asia and global maritime security, the SCS has attracted much scrutiny because of several contested sovereignty claims on the Spratly and Paracel Islands which are all located in the region. In its recently published Maritime Security Strategy, the EU warns that as much as €4.74 trillion per year in maritime trade is affected by the different disputes in the SCS.[30] The EU is however not only an economic stakeholder in the SCS. With its accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 2012 and as a member of the ASEAN Regional Forum (ARF), the EU has also become a legal stakeholder and non-regional partner in the SCS. Upon accession to the TAC, then HR/VP Catherine Ashton described the EU's accession to the TAC as a significant step because it 'commits us to working together in tackling issues that we face in a peaceful way. It also confirms that we will work together to address some of the security and political concerns of the region'.[31] This chapter argues that the EU's economic and political stakes in the region call for active preventive diplomacy initiatives by the EU to secure its (economic and political) interests and contribute to a peaceful settlement of disputes in the region. The chapter will examine the existing preventive diplomacy initiatives by the EU in the context of the SCS disputes. More particularly, it will look into the scope and inherent limitations of the EU's attempts to promote the rule of law and shape regional dynamics through contributions to High-Level Dialogues (HLD). It will also suggest complementary avenues that could enable the EU to be more deeply engaged in preventive diplomacy in the SCS region.

EU preventive diplomacy in the South China Sea: rule-of-law promotion and high-level dialogues

Rule-of-law promotion constitutes a strategic priority in the EU's external action in line with Article 21 TEU. Though less strategised than the promotion of other values such as human rights, the Lisbon Treaty testifies to the EU's commitment to support an

29. Council of the European Union, 'European Union Maritime Security Strategy', JOIN/2014/09, June 2014.

30. Ibid.

31. European Commission, 'The EU accedes to Treaty of Amity and Cooperation in Southeast Asia', Press Release, 12 July 2012. Available at: http://europa.eu/rapid/press-release_IP-12-781_en.htm.

international system based on the rule of law.[32] In the 2014 Maritime Security Strategy, the EU more specifically supports 'the settlement of maritime disputes arising from the interpretation and application of the United Nations Convention of the Law of the Sea (UNCLOS) through competent international courts and tribunals provided therein, which play an important role in implementing the rule of law at sea'.[33] The former UN Secretary General Ban Ki Moon, in his 2011 report, stressed the importance of reinforcing efforts to strengthen the rule of law as a preventive diplomacy tool.[34] In that context, rule-of-law promotion can be considered a corollary of both the 'integrated approach' stemming from the 2016 EU Global Strategy and of the main goal of preventive diplomacy: to encourage dialogue, compromise and peaceful resolution of disputes.

In that context, the scope and limitations of EU support to the SCS Arbitration constitutes a good test case for the EU's rule-of-law promotion and preventive diplomacy in the region. It was upon the request of the Philippines that an Arbitral Tribunal was asked to rule on the legality of China's nine-dash line under UNCLOS, the status of the Spratly Islands features, and Chinese activities in the SCS. Throughout the proceedings, the EU maintained a working relationship with both the Philippines and China. It issued several statements, emphasising the importance of protecting the legal order of the seas and oceans in line with international law. In its statement prior to the release of the award, the EU also offered best practices sharing on maritime security and international law-based settlement of disputes.[35] After the award was issued, the EU recalled that 'the dispute settlement mechanisms as provided under UNCLOS contribute to the maintenance and furthering of the international order based upon the Rule of Law and are essential to settle disputes'.[36] The EU's statements are a testimony of the EU's 'principled neutrality' in the SCS.[37] While the EU kept promoting a peaceful and lawful settlement of maritime disputes, EU statements also remained largely vague and unspecific. The EU did not welcome the decision of the Philippines to bring the case to the Permanent Court of Arbitration (PCA) nor was it outspoken when the tribunal officially proclaimed its jurisdiction and competence back in October 2015.[38] Notwithstanding the arbitral award, it appears that all the involved stakeholders – more particularly China and the Philippines – seem to be particularly interested in a *status quo* in the SCS. In that context, the actual leverage of the EU to press for the implementation of the arbitral tribunal's decision remains highly limited not to say inexistent. EU activism is even more unlikely in light of the difficulties the member states encountered to find

32. Report on implementation of the joint pledges of the European Union and its Member States made on the occasion of the UN General Assembly High-level Meeting on the Rule of Law at the National and International Levels on 24 September 2012, p. 15. Available at: https://www.un.org/ruleoflaw/wp-content/uploads/2015/11/EU-pledge-report.preventive diplomacyf.

33. Council of the European Union, 'European Union Maritime Security Strategy', 11205/14, 24 June 2014.

34. Report of the Secretary General, 'Preventive Diplomacy: Delivering Results', S/2011/552, 26 August 2011. Available at: http://www.un.org/undpa/sites/www.un.org.undpa/files/SG%20Report%20on%20Preventive%20Diplomacy.pdf

35. Council of the European Union, 'Declaration by the High Representative on behalf of the EU on Recent Developments in the South China Sea', 11 March 2016. Available at: http://www.consilium.europa.eu/en/press/press-releases/2016/03/11-hr-declaration-on-bealf-of-eu-recent-developments-south-china-sea/.

36. Ibid.

37. Mathieu Duchâtel, 'The European Union's "Principled Neutrality" – Can it Achieve Anything?' in Eva Pejsova (ed.), *Sense and Sensibility: Addressing the South China Sea Dispute*, EUISS Report no. 28, May 2016, p. 53.

38. Ibid.

a consensus on the EU statement to be released following the decision of the arbitral tribunal. The alleged reluctance of some EU nember states – Greece and Hungary more particularly – to criticise Beijing's policy explains the late and very light statement that was finally released three days after the arbitral tribunal issued its award.[39]

In addition to its rhetorical attempts to promote the rule of law in the SCS, the EU has also contributed as a non-regional partner to several regional meetings and conferences with the aim to promote maritime security. In 2013, 2015 and 2016 the EU co-organised a number of high-level dialogues on maritime security with Indonesia, Malaysia and Thailand, bringing together senior officials and experts from ASEAN and the EU to discuss how to forge effective answers to maritime security-related challenges. The first HLD focused on identifying the unique and distinctive challenges and obstacles faced by ASEAN in developing a regional maritime policy, which could be inspired by EU experiences, best practices and lessons. The second HLD aimed at an in-depth exchange of views on different aspects of maritime security including enhancing inter-agency cooperation and coordination, investigation of maritime security incidents, improving maritime situational awareness, and ensuring port security. In the most recent HLD, the emphasis was laid on means to strengthen dialogue and cooperation on maritime issues between ASEAN and the EU. Specific issues discussed included: (i) how to enhance trust and confidence in maritime areas and the role of preventive diplomacy in reducing tensions; (ii) maritime situation awareness, and exchanges of information and intelligence; and (iii) piracy, robbery at sea, and protection of ports.

Possible avenues for EU preventive diplomacy in the South China sea

Considering the above-mentioned limitations to EU preventive diplomacy, especially in a sensitive and complex area such as the SCS, the EU should explore complementary avenues to translate its rhetorical support for the rule of law into more concrete policy actions in the SCS. This chapter argues that the relevant regional dialogues and high-level meetings in which the EU has been involved, focusing on best practices sharing in maritime issues (in the broadest sense), should lay the basis for future EU engagement in preventive diplomacy. The year 2017 moreover offers a unique momentum for the EU to (pro-)actively shape the agenda on the SCS, as it will hold the co-chair of the ARF Maritime Security Meeting from September onwards. Two tracks could be followed, both centered around best practice sharing.

39. Council of the European Union, 'Declaration by the High Representative on behalf of the EU on the Award rendered in the Arbitration between the Republic of the Philippines and the People's Republic of China', 15 July 2016. Available at: http://www.consilium.europa.eu/en/press/press-releases/2016/07/15-south-china-sea-arbitration/.

The Maritime Border and Cooperation Agreements track

A first possible avenue for the EU to pursue is to share its best practices on maritime dispute settlement. Several EU member states have been engaged in famous maritime boundary delimitation cases dealt with by international disputes settlement mechanisms. However, even more significant is the state practice of EU member states in maritime delimitation. Since 1932, EU member states have among themselves concluded over forty bilateral maritime boundary agreements, which offer a wide array of options to accommodate the respective interests of the parties to the dispute. Even in cases where no agreement could be reached on the maritime boundary, the EU and its member states can share their own experience in nonetheless ensuring the respective economic interests of the parties. Just in 2014, the Netherlands and Germany concluded a treaty in the Ems-Dollard question.[40] The exact course of the maritime border between both states in the respective territorial seas and in the Ems estuary has long been disputed. Both parties agreed that the 2014 treaty on the use and management of the territorial sea is without prejudice to the dispute on the maritime border (art. 4). The treaty was inspired by good-neighbourliness, bilateral cooperation, and the increased maritime traffic between both states' ports. The material scope of the treaty covers installations for renewable energy, all other installations, cables, pipelines and non-living natural resources. Under the treaty, a commission with decision-making power is set up with the purpose to engage in *ad hoc* consultation, information-sharing, and making recommendations. Notwithstanding the obvious difference in geographical scope and intensity of maritime traffic, the core issues in the SCS are very similar. In that regard, the EU could and should share its best practices in terms of shedding clarity on competences, rights and responsibilities for certain activities, creating conditions for equal and efficient access to ports and ensuring cooperation, leaving maritime border and sovereignty disputes aside.

The joint resources management track

A second – and probably the most convincing – avenue for the EU to pursue is the joint resources management track, more particularly in the area of fisheries and protection of the marine environment. Indeed, considering that the sea is a major source of livelihood and economic activity for the SCS littoral states, the right to harvest its resources is one of the main underlying causes and drivers for the maritime and territorial disputes in the region, leading to regular clashes between fishing vessels, stirring up diplomatic tensions. The enhanced competition over resources moreover has resulted in more efficient yet unsustainable fishing techniques, inflicting considerable harm on the SCS marine environment, one the world's richest and most diverse marine ecosystems.

40. Verdrag tussen het Koninkrijk der Nederlanden en de Bondsrepubliek Duitsland betreffende het gebruik en beheer van de territoriale zee van 3 tot 12 zeemijlen, 24 October 2014, Tractatenblad van het Koninkrijk der Nederlanden 2014, 182. [Agreement between the Kingdom of the Netherlands and the Federal Republic of Germany Regarding the Use and Management of the Territorial Sea from 3 to 12 Nautical Miles, 24 October 2014, Official Journal of the Kingdom of the Netherlands 2014, p. 182.]

In that context, fisheries management in the form of joint resource management has the benefit of leaving the sovereignty question aside. However, it requires training and capacity building, which the EU could offer as part of its preventive diplomacy in the SCS. Unlike maritime boundary delimitation, the EU member states have conferred competences to the EU in the area of fisheries. Under the common fisheries policy, the EU has exclusive competence for the conservation of marine biological resources (Art. 3, 1, (d) TFEU and art. 38-44 TFEU). Furthermore, the EU shares a competence with the member states regarding the adoption of environmental legislative measures (Art. 4, 2, (d) TFEU). In exercising this competence, the EU has regulated fishery limits, promulgated rules on resource access and on allocation with a number of specific management regimes for certain biologically sensitive features. Beside internal regulation, the EU had also concluded bilateral fisheries agreements on joint management of shared stocks with Norway, Iceland and the Faroe Islands. Moreover, administrative structures for stakeholder consultation, which constitutes a core principle in ecosystem-based marine management, were developed and are a key feature of the Common Fisheries Policy.

In the same line, the EU can share best practices on Marine Protected Areas as its member states have, in execution of a 1992 Council Directive, developed the largest coordinated network of protected areas in the world, known as the EU Natura 2000 Network.[41] This network is aimed at enhancing the conservation status of Europe's most valuable species and habitats, by designating Sites of Community Importance on a biogeographical basis and for which conservation measures are to be adopted. Similarly, the Mediterranean Action Plan (MAP) which the EU, along with contracting parties to the Barcelona Convention, has approved serves as the institutional framework for cooperation to address common challenges of marine environmental degradation.

The MAP is considered a successful initiative in bringing together countries with different political and economic backgrounds and interests.[42]

Considering both the importance of fisheries and the conservation of the marine resources in the SCS and the EU's competence, experience and expertise on the matter, the EU should pursue this avenue to fine-tune its preventive diplomacy in the SCS. Pursuing this track would allow the EU to make a valuable contribution to efforts to de-escalate diplomatic tensions, while still being able to adhere to its 'principled neutrality' *vis-à-vis* the question of sovereignty in the SCS. Moreover, considering China's pressure on the EU not to depart from that stance, pursuing the neutral joint resources management track, would not jeopardise EU-China relations. After all, UNCLOS obliges parties to a dispute to attempt to implement practical measures and functional arrangements for joint development of resources pending the resolution of conflicting territorial claims (Art. 74 (3) and 83 (3) UNCLOS).

41.Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, OJ L 206, 22.7.1992, pp. 7–50, art. 3.

42. Eva Pejsova, 'The South China Sea's Commons: Behind and Beyond Sovereignty Disputes', EUISS Alert no. 30, 20 June 2014. Available at: http://www.iss.europa.eu/publications/detail/article/the-south-china-seas-commons-behind-and-beyond-sovereignty-disputes/.

Conclusion

The EU's leverage in the SCS region is extremely limited. Despite its status as a legal stakeholder and non-regional partner to the region's security, political and economic cooperation, the EU allegedly struggles to impose itself as an influential actor in the regional maritime dynamics. In a context where China puts strong pressure on the EU not to depart from its neutrality stance, the EU remains in a difficult position to persuade its member states to agree upon concrete preventive diplomacy actions aimed at pushing the regional stakeholders to respect the international rule of law and implement the arbitral tribunal's ruling. Therefore, a strategic combination of track I and track II diplomatic initiatives, proposing avenues for an alternative rule-based settlement for the SCS dispute, might enhance the EU's preventive diplomacy performance in the region. In addition to the promotion of alternative maritime border and cooperation settlements and joint resources management alternatives in the context of regional fora such as the ARF, the EU should also consider the possibility to engage more thoroughly with the regional stakeholders at the bilateral level. More particularly, the EU should seek to engage China on topics relevant to the rule of law at sea in the context of the recently launched EU-China Dialogue on Legal Affairs.

III. PROSPECTS AND PITFALLS

Introduction

Regardless of the degree of interest of an external actor in a specific crisis or conflict, the essential prerequisite for any successful preventive diplomacy intervention is the acceptance of the country or countries concerned. One of the core obstacles to the EU's greater preventive diplomacy role in the region is the insistence on the principle of non-interference in domestic affairs, which is at the heart of Asia's diplomatic culture, visible in all bilateral and multilateral interactions with and within the region. A case in point is presented here by Gareth Price, in his analysis of the conflict dynamics in South Asia. Whether in internal or in intra-state disputes, any form of external intervention is seen as counterproductive and further exacerbating existing tensions, mostly as part of a negative colonial legacy.

Perceptions and the image of a preventive diplomacy actor crucially determine its legitimacy and receptiveness. A study by Garima Mohan and May-Britt Stumbaum demonstrates that the EU remains perceived mostly as an economic power and a 'norm-setter' among its Asian strategic partners. While not perceived as a 'security provider' in a traditional sense, its low-key, more neutral security profile can also play in its favour. As we have seen in the cases of Aceh, Mindanao or Nepal, the EU can find the space and the tools to provide crucial and appreciated support to a peace process by knowing the context, consistently upholding international norms and principles, and supporting and strengthening the right civil society partners. Overall, it is also through everyday action – local development, civil society empowerment, the promotion of education, and religious, ethnic and gender dialogue - that the EU contributes to building a more stable and resilient security environment in the region in the long run.

3.1: The limits of preventive diplomacy in South Asia

Gareth Price

Over the past few decades, South Asian states have demonstrated a poor record in conflict prevention and in de-escalating conflicts once they have broken out. In 2003 some form of insurgency existed in every country in South Asia aside from the Maldives and Bangladesh. Afghanistan, India, Nepal Pakistan and Sri Lanka have each witnessed serious internal conflicts. While the internal conflicts in Nepal and Sri Lanka have ended, the Sri Lankan civil war ended in a bloodbath rather than through a political process. Meanwhile, insurgencies of varying intensity continue in Afghanistan, India and Pakistan.

Based on the analysis in this volume, it is safe to say that the track record of South Asian states in managing tensions before the onset of insurgency, as well as in tackling insurgencies after they have taken off, has been dismal.[43]

Aside from the 1962 Sino-Indian War, the only inter-state conflicts in South Asia have been between India and Pakistan. The two countries have fought wars in 1947, 1965 and 1971. In 1999 irregular Pakistani soldiers and Kashmiri militants crossed the border into Indian-controlled Kashmir, sparking a conflict that remained confined to that region. At the same time, cross-border shelling over the contested Line of Control dividing Kashmir was commonplace until 2003. Other potential triggers for conflict such as the 2001 attack on India's parliament – which led to a major troop build-up in early 2002 - or the 2008 Mumbai attack have not led to open warfare in part because even limited warfare is seen as likely to escalate, potentially into nuclear conflict. Meanwhile, in 2016 – as a result of terrorist attacks in India blamed, by New Delhi, on Pakistan – cross-border shelling has resumed.

South Asia offers a challenging environment for external actors to conduct preventive diplomacy. India opposes any external intervention in its internal conflicts and in its dispute with Pakistan. Given that most countries are keen to strengthen their relationship with India – on the grounds of its vast economic potential – there is little enthusiasm for running the risk of alienating India. India has also opposed external intervention in other countries in South Asia, although outside actors tried to mediate in Sri Lanka and supported reconciliation in Nepal, as discussed elsewhere in this publication. The ongoing civil war in Afghanistan continues despite Western countries having spent almost US$ 1 trillion on the country.

Intra-state conflicts in South Asia

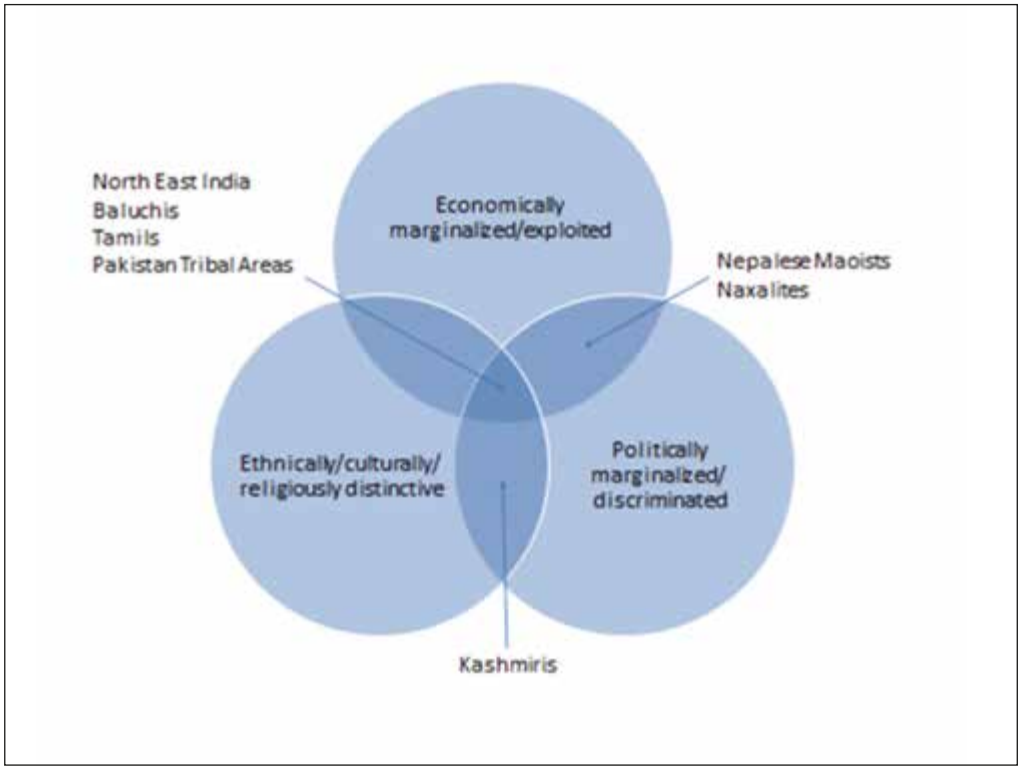
Three themes recur in South Asia's internal conflicts. First, the states of South Asia are characterised by many different cultural divisions, whether religious, ethnic or cultural.

43. Moeed Yusuf (ed.), *Insurgency and Counterinsurgency in South Asia: Through a Peacebuilding Lens* (Washington D.C: United States Institute of Peace Press, 2014).

Political and/or economic largesse is frequently distributed on the basis of group membership (rather than individual circumstance). These cultural divisions were accentuated during colonial rule. Thus, for instance, in Sri Lanka the British had given preferential treatment to the minority Tamil community. Post-Independence, the Sinhalese majority passed laws discriminating against and marginalising Tamils until, eventually, they resorted to violence. Only two of South Asia's conflicts do not involve a culturally-discrete community. In each, the language of mobilisation has been Maoist ideology.

Second, the idea that a particular region is economically exploited by 'the state' is a common denominator in several of the conflicts, and frequently such claims have more than an element of truth. Between 1950 and 1970 only one-quarter of government spending went to East Pakistan despite East and West Pakistan having similar populations. Separatists in both Baluchistan and Assam complain that despite being resource-rich (with oil, gas and, for Assam, tea) local populations have not benefited financially. Similarly, Naxalites in India have taken advantage of the economic (and social) exploitation of various tribal groups in India. The existence of a distinct ethnic or cultural identity enables the creation of an out-group mentality and, as demands are unmet, complaints become increasingly radical until, eventually, conflict occurs.

FIGURE 6: EXPLANATIONS FOR CONFLICT IN SOUTH ASIA



The third theme is a failure to integrate or develop peripheral regions until conflict has broken out. Pakistan's tribal areas, northeast India, Baluchistan, Western Nepal and East Pakistan were all under-developed. The subsequent recognition of under-development has exacerbated conflict. Had roads been built earlier, conflict could have been avoided. But road construction once conflict has broken out is seen not as 'development' but as containment – that is, to facilitate troop movements and, in the case of Baluchistan, the immigration of Punjabi 'settlers'.

The international policy framework has identified the failure of states to meet citizens' expectations leading to grievances exacerbated by vertical inequalities as a key driver of conflict. While there is widespread awareness in the region that under-development and poor governance have helped trigger conflict, it has proven hard for central authorities to rectify this once conflict has broken out. Thus has resulted in an over-reliance on kinetic approaches and on a hope that conflict will eventually peter out. In some of the northeast Indian insurgencies, this hope has recently been fulfilled, though in the case of Nagaland, insurgency had lasted for around 70 years. Conflict-affected areas are also affected by moral hazard – governments often allocate greater resources to conflict prone areas; these greater resources can attract less scrupulous bureaucrats seeking to co-opt these resources.

The longer violence persists, the more it becomes normalised. Concomitantly, the creation of war economies – i.e., constituencies benefiting from conflict – appears to take place quickly. Some have argued that the civil war in Sri Lanka facilitated a redistribution of funds to poorer rural families (as people from these communities were disproportionately represented in the military. In Afghanistan, save for the years following the Soviet withdrawal, the country has survived because of substantial foreign support. While many in the West hope for a peace process, many in Afghanistan believe that a peaceful Afghanistan would not attract billions of dollars in external support.

Furthermore, states in South Asia appear to have very short-term memories. Thus, when separatist violence breaks out in Indian Kashmir there is awareness that a dialogue is needed as soon as violence dies down. But when violence does die down, governments frequently lose the incentive to hold such a dialogue leading, down the line, to subsequent outbreaks of bloodshed. And in some of South Asia's internal conflicts there is reluctance for governments to launch dialogue for fear that it would legitimise insurgent groups.

By way of warning signs, one of the few efforts to examine conflict in South Asia through a peace-building prism concludes:

> The most obvious warning signal is the gradual rise of radical voices within the disgruntled segment of the population. Evidence from the case studies suggests that once the radicals establish themselves as the principal voice for the alienated group, the onset of the insurgency becomes a matter of when, not if.[44]

44. Ibid.

Intra-state conflicts in South Asia

Given India's opposition to external mediation, there is limited scope for external intervention in its dispute and occasional conflict with Pakistan. The two countries have an entirely asymmetric understanding of the dispute and, in consequence, its resolution. For Pakistan:

- Kashmir is a Muslim-majority state contiguous to Pakistan, therefore it should be part of Pakistan.
- India is an existential threat to Pakistan. It demonstrated this in 1971 by invading East Pakistan and facilitating the creation of an independent Bangladesh.
- Pakistan contains discrete ethnic groups – to maintain unity it needs to emphasise its Islamic identity. Since 1971 this promotion of Islam has become more extreme, with a particular emphasis on Sunni Islam, thereby spawning new internal conflicts along sectarian lines.
- If the Kashmir issue was 'resolved', the India-Pakistan relationship would improve. Such an outcome would require the implementation of the 1947 UN Resolution, the withdrawal of troops from across Kashmir, followed by a plebiscite to see if the locals want to join India or Pakistan.

For India, however:

- As per the rules of partition, all of Kashmir (including Pakistani-controlled Kashmir) is an integral part of India.
- Because India is more militarily powerful than Pakistan, Pakistan uses proxies to target India (1993 Bombay Stock Exchange, 2001 attack on India's parliament, 2008 Mumbai attacks).
- How can Kashmir be 'resolved' when (a) the bilateral relationship is so poor (other confidence-building measures are needed beforehand in order to improve the relationship) and (b) there is nothing substantive to resolve given that all of Kashmir is part of India.
- And Pakistan's military wants the disagreement to continue to justify its preeminence in Pakistan's polity.
- In 1972 India and Pakistan signed an accord agreeing that the resolution of the Kashmir dispute was a bilateral matter; this supersedes the UN resolution and explains why India opposed any outside mediation. Anyway, no one in Jammu and Ladakh wants to join Pakistan. Thousands of Hindus who used to live in Kashmir have been forced to leave. (And people in the Kashmir Valley want independence, few wish to join Pakistan).

- Given the difference of opinion over where Kashmir fits into the poor relationship, in the 1990s the two countries came up with the idea of a composite dialogue, whereby a range of more minor disputes were discussed in parallel with a dialogue over Kashmir. By 2007 they were close to an agreement (although some dispute how close exactly) whereby the Line of Control was to become a soft border and some 'joint management' institutions were to be introduced. By this time, however, the hold on power of Pakistan's president, General Musharraf, was weakening, and he was unable to push it through. Any future 'resolution' is likely to look remarkably similar to that discussed in 2007 but will require an alignment of political will and capacity in both Delhi and Islamabad, as well as Rawalpindi, home of Pakistan's military. It will also require the media in both countries to adopt a less jingoistic tone towards the other.

Conflict	How could it have been prevented in the first place?	How could it be de-escalated?
Kashmir insurgency	Better governance; tackling corruption; devolution of power	Cross-border CBMs (trade etc)? Better policing (eg alternatives to pellet guns)? Improve governance? Create jobs, vocational training etc? Encourage India-Pakistan dialogue? Encourage dialogue with Kashmiri separatists?
Northeast Indian insurgencies	Better governance? Economic development (but difficult because agricultural products, except tea, rot by the time they reach market)	Ensure access through Bangladesh for agricultural products; develop cold storage? Create public space? Create sense of inclusion? Support vocational education?
Naxalite insurgency	Economic development; better governance (but moral hazard: corrupt officials want to work in backward areas as more money to co-opt)	Economic development; better governance; police training;
India-Pakistan	Resolve Kashmir dispute?	'Resolve' Kashmir dispute? Other confidence-building measures (but Pakistan argues Kashmir needs to be resolved first, and India says Pakistan should stop supporting terrorists acting in India first)? Hot-lines and other forms of communication? Less sensationalist press? Greater understanding of likely impact of nuclear war? Enhanced cross-border contacts/trade?

Sri Lanka civil war	Not restrict rights of Tamils	Attempted mediation by Norway failed (Jonathan Goodhand report – other countries with different assets would also have failed); government not interested in a political settlement; successful military solution;
Maoist rebellion, Nepal	Economic development; inclusive governance	Encourage dialogue? Conflict-sensitive development
Taliban insurgency, Afghanistan	Sustained international engagement	Reconciliation process within Afghanistan? Continued support for Afghan government? Ending Pakistan's ambivalence/tacit support for the Afghan Taliban?
Tribal Areas, Pakistan	Ungoverned space; spill-over from Afghanistan post 9/11; attempts at integration into Pakistan led to conflict	Military solution?

In a preventive diplomacy approach it is precisely these types of asymmetric perceptions that long-term diplomatic engagement may seek to interrogate and in so doing open new perspectives for overcoming differences. Thus, while the existing openings and opportunities for engagement are limited for each of the conflicts in the region, there are a number of avenues that remain worthy of exploration in the search for de-escalation.

3.2: Perceptions of EU preventive diplomacy in Asia

Garima Mohan and May-Britt U. Stumbaum

Introduction

With the advent of the Asian century, the region's importance has increased tremendously not only for trade and investment, but also for global security. Asia has a high potential for conflict. Simmering territorial disputes in East Asia, the erratic behaviour of regimes such as North Korea, unresolved border tensions in South Asia, states in varying stages of democratic transition, China's military rise and increasingly belligerent posture in the South China Sea, Japan's move away from its traditional pacifist stance – all these factors create numerous possibilities for emergent crisis.

Given these tensions, Asia will be a key testing ground for the EU's efforts at preventive diplomacy. However, for the EU to play a role in Asian security, it is important to analyse how it is perceived by important regional powers. Not only for the EU to have a seat at the table, but also for its preventive diplomacy efforts to actually be effective, it needs to be seen as an important actor by strategic partner countries. These partner countries can provide the EU with important information on understanding the root causes of conflict, assist with early warning, measure stages of conflict escalation, and help build political consensus – all important for preventive diplomacy efforts to succeed.

Perceptions matter – projecting the image of a capable actor opens access to decision-making circles in crisis hotspots, and facilitates preventive diplomacy actions. This chapter therefore looks at how the EU is perceived as a security actor in its four strategic partner countries in Asia – China, India, Japan and South Korea. All countries see the EU primarily as a trade partner, and less so as a political one. EU leadership in global affairs is regarded as likely and desirable. Yet it is almost invisible in the areas of security and international development despite significant investments in these fields. There is little to almost no awareness of the EU's integrated conflict management approach which would impact on perceptions of the EU's preventive diplomacy efforts and, to some extent, their success. It is important for the EU to consider how it is perceived abroad, because 'the further we move away from Europe, the fewer incentives the EU has on offer to promote its policies and institutions and the more it has to reply on mechanisms of persuasion and communication to make its case.'[45]

The data on perceptions is drawn from findings of our 2015 major study 'Perceptions of the EU and EU's Policies Abroad',[46] which developed a baseline for EU public diploma-

45.Tanja Börzel and Thomas Risse, 'From Europeanisation to Diffusion: Introduction', *West European Politics*, vol. 35, no.1, 2012, pp.1-19.

46. See 'Analysis of the Perception of the EU and EU's Policies Abroad: Final Report', funded by the European Commission's Service for Foreign Policy Instruments (FPI) implemented between January-November 2015 by the Public Policy and Management Institute (PPMI), the National Centre for Research on Europe (NCRE) University of Canterbury, and the NFG Research Group, Freie Universität Berlin. Available at: http://ec.europa.eu/dgs/fpi/showcases/eu_perceptions_study_en.htm

cy, and the preceding work of the NFG Research Group, 'Asian Perceptions of the EU'.[47] The baseline study looked at EU public diplomacy in all 10 strategic partner countries and its impact on their perceptions of the EU. The study used extensive literature reviews, public opinion surveys, media analysis, and interviews with policymaking elites. In addition, the authors also conducted more recent interviews in the region.

Preventive diplomacy is defined as 'action taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from the destabilising effects of economic, social, political, and international change'.[48] It includes efforts which prevent conflicts from arising in the first place, and prevent already existing conflicts from further escalating in scale. Preventive diplomacy is conducted by a broad range of actors using a variety of instruments, and the EU is one such actor. The EU uses peace mediation as a 'key foreign and security policy tool of first response' before the outbreak of violence or during an armed conflict.[49]

External perceptions of the EU

This section will analyse how the EU is perceived in its strategic partner countries, focusing in particular on the EU's relevance as a security actor, its leadership in international affairs, and its capacity to have a normative impact. Looking at four strategic partner countries – China, India, Japan and South Korea – this section will demonstrate that the visibility of how the EU performs in international peace and security is rather low among its partners in Asia. Although a majority within these countries see the EU as an effective actor in peacekeeping and a rather slowly emerging security actor, in-depth knowledge of EU actions in these fields is rather limited. And while all actors stress commonality of values with the EU, in practice there is a perception of 'strategic divergence'.

Despite a more critical view in scholarly discussions in these countries, in the public surveys conducted, a majority in all Asian strategic partner countries sees a global leadership role for the EU as rather desirable and also likely within five years – this has of course to take account of the fact that the survey was conducted in August of 2015 and responses might have changed with the outcome of the UK's Brexit referendum in June 2016, the ongoing arguments over refugees and other events that have rocked the EU.

47. For further information, see www.asianperceptions.eu.

48. United Nations Secretary General Report, ***An Agenda for Peace***, A/47/277, 17 June 1992.

49. European External Action Service, *EU Hosts International and Regional Organizations on Preventive Diplomacy and Mediation*, 7 May 2015. Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/2156/eu-hosts-international-and-regional-organisations-preventive-diplomacy-and-mediation_en

TABLE 1: DESIRABILITY/LIKELIHOOD OF EU LEADERSHIP IN ALL 4 ASIAN STRATEGIC PARTNER COUNTRIES AND THE USA

Responses from:	Very desirable	Somewhat desirable	Neither/nor	Somewhat undesirable	Very undesirable	n/a	Total (N)
all 10 SP	18,9%	34,9%	27,2%	7,1%	4,1%	7,8%	11621
USA	23,9%	28,8%	24,3%	4,0%	2,9%	16,2%	1007
Japan	5,9%	31,4%	37,9%	6,7%	2,8%	15,2%	1024
China	9,6%	46,1%	35,6%	5,0%	0,6%	3,0%	1410
S. Korea	9,8%	38,8%	37,5%	6,3%	1,5%	6,1%	1238
India	29,5%	37,5%	23,0%	2,6%	1,7%	5,7%	1056

Responses from:	Very likely	Rather likely	Neither/nor	Rather unlikely	Very unlikely	n/a	Total (N)
All 10 SP	22,7%	36,7%	24,2%	6,2%	2,2%	8,0%	11621
USA	20,8%	29,4%	24,5%	4,6%	3,6%	17,2%	1007
Japan	8,4%	30,9%	35,3%	7,7%	3,4%	14,2%	1024
China	17,2%	50,8%	25,9%	3,1%	0,3%	2,6%	1410
S. Korea	12,7%	40,8%	34,8%	5,9%	0,7%	5,1%	1238
India	31,2%	37,8%	21,5%	3,1%	0,9%	5,6%	1056

Source: 'Analysis of the Perceptions of the EU and EU's Policies Abroad' (2015)

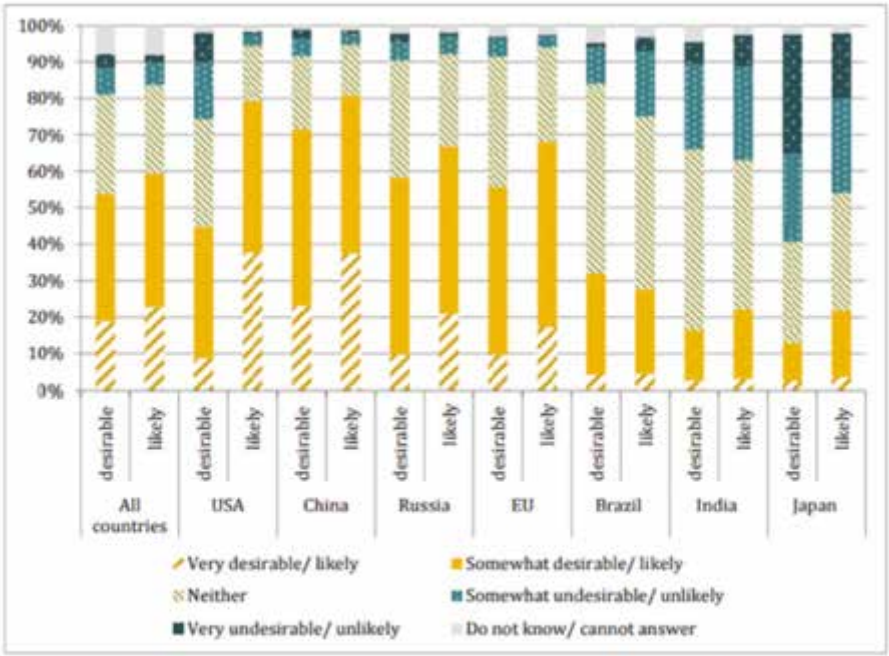
Perceptions in China

Policy elites in China view the EU primarily as a trade partner, an important partner in science, research and technology and foreign investments. Specifically, the EU is portrayed in the Chinese media as a political partner, China-EU summits are widely reported and the European Commission is highly visible as an institution. The EU's leadership in world affairs is also seen as desirable, while both China and the United States are seen as major players in world affairs.

In public opinion, the EU's performance as a global peace and security actor ranks behind that of the US, China and the UN. The EU's performance in peacekeeping operations is regarded slightly more positively than its performance in military operations or combating terrorism. The EU's external political actions also receive considerable coverage in the most popular Chinese media outlets, indicating increased understanding and acceptance of the EU's global role. As a norm-setter, the EU's profile is quite low in China and its visibility is confined to issues of democracy, health standards and human rights. Among Chinese policy elites, the EU's credentials as a normative actor are less important than those of the US. Others argue that the Union has an ambigu-

ous normative identity, swaying between pragmatism and 'value diplomacy' and see the EU's interactions with China on normative issues as 'top-down'.

GRAPH 1: DESIRABILITY/LIKELIHOOD OF EU LEADERSHIP IN CHINA



Note: Based on the answers to survey Q4: How desirable is it that each of the following countries and organisations take a strong leadership role in world affairs; and Q5: How likely or unlikely is it that each of the following countries or organisations will take a strong leadership role in world affairs five years from now? (N = 1410)

Source: 'Analysis of the Perceptions of the EU and EU's Policies Abroad' (2015)

Among policy elites more familiar with EU peacekeeping and conflict-prevention efforts, a point frequently mentioned in interviews in China concerned differences in values – particularly with regard to sovereignty and intervention. While China sees state sovereignty as a paramount concern in its conflict-management approach, a widely held perception is that European approaches, especially in the context of humanitarian interventions, ignore this reflecting a 'neo-colonial' attitude. Interventions in Libya and Syria are often cited as such examples of a 'European' approach. Interviewees often conflate 'EU' and 'Europe' and there is little awareness of the EU's Common Foreign and Security Policy (CSDP) operations, or that they are conducted under a United Nations Security Council (UNSC) mandate. While there is an overall negative perception of the EU as a security actor, there are some cases of positive perceptions mentioned by Chinese interviewees as examples to be emulated, particularly the EU's anti-piracy missions and involvement in the evacuation of overseas citizens.

Perceptions in India

Despite the strategic partnership, policy elites in India view the EU as primarily a trade bloc rather than a strategic or a political actor. This is evident in the analysis of media reporting and is confirmed through general public surveys and interviews.

In leading newspapers, reporting on the EU is most likely to be found in business sections, the euro is the most visible symbol and expression of the Union, and the European Central Bank (ECB) is the most recognised EU institution. In fact, surveys show that the EU is among the global players that Indian respondents saw as most influential in terms of global economic affairs, even ranking higher than the World Trade Organisation (WTO) and International Monetary Fund (IMF).

On the other hand, the EU is not perceived as a security actor and is not seen as taking a leadership role in international politics. Although the EU's steps to fight terrorism have resonated with the Indian public and Indian policymakers alike – since it is an important security challenge for the country – this has not helped change the overall perceptions of the EU. In fact Europe's 'normative power' is perceived to be in promoting democratic institutions, gender equality and regional cooperation, rather than in conflict resolution. It is seen as having soft power which is exercised through economic aid and dialogue. However the efficacy of this normative influence is questioned.

GRAPH 2: EVALUATION OF EU ACTORNESS IN DEFINED AREAS AMONG INDIAN RESPONDENTS

Source: 'Analysis of the Perceptions of the EU and EU's Policies Abroad' (2015)

Even though the similarities between the EU and India are often stressed – particularly regarding democracy, diversity, and belief in the rule of law – there are clear limits to this convergence perceived from the Indian side. These limits are most prominent in conflict prevention and peacebuilding. India perceives the EU to have a diametrically different, 'post-modern' approach on core questions of sovereignty and intervention. Additionally, when asked about the EU's conflict-management approach, most policy

elites conflate the EU and Europe and see interventions in Libya and Syria as indicative of a broader 'European' approach to conflict prevention. Most Indian policymakers do not agree with the EU's approaches to conflict resolution in South Asia, particularly Burma/Myanmar and Sri Lanka. Very few policy elites are aware of the scope of the EU's activities under CSDP operations or its preventive diplomacy efforts.[50]

This is a lost opportunity since India has a long record of peacekeeping and conflict resolution through mediation both in Africa and South Asia, and could be a valuable partner for the EU in conflict prevention. The strategic differences between the two actors in conflict management on the ground are not as stark as the policy elites perceive. The first step the EU can take in this regard is to launch an aggressive public diplomacy campaign with key facts and figures on the EU's integrated conflict management and CSDP operations, distinguish itself from member states, and stress the areas of convergence with Indian peacekeeping strategy.

Perceptions in Japan

As in other strategic partner countries, the EU is also seen as primarily an economic actor in Japan. It is perceived as a leader in international affairs and in public opinion its performance on peace and security is seen to be similar to the UN. Specifically on peace operations, the EU is evaluated positively. It is also seen as a normative actor particularly in promoting sustainable development, human rights and on climate change – which are topics covered widely in the national media reporting on the EU.

Interviews with policy elites reveal that they see the EU as a normative power on issues of security and human rights. While EU peace operations are seen as important, overall the EU is perceived to be largely passive in promoting international security. On human rights, the EU's approach is seen as 'coherent but not necessarily effective'.

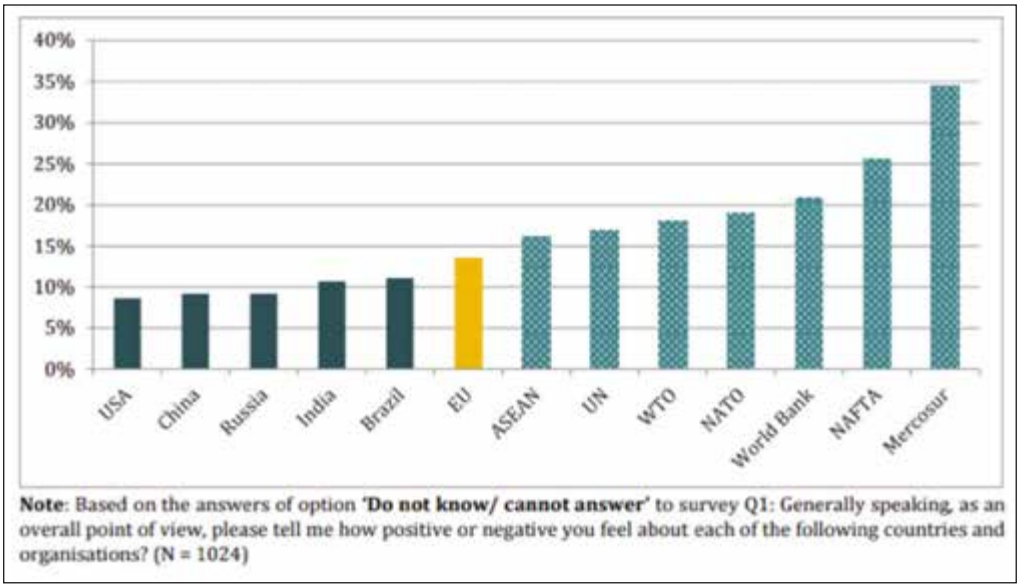
Overall Japan displays a certain scepticism about the EU's role in Asia, primarily because of its view that the EU is mostly interested in partners like China and India. And while there is a positive perception of the broader notion of 'Europe', there is criticism of the seemingly elite nature of the EU and how the policies it conducts are often at odds with 'Asian values'. This suggests that some reflection on the EU's public diplomacy style should be undertaken. In addition, while the EU and Japan are seen as sharing common values like democracy, the rule of law and human rights, the depth of this commonality is often questioned by policy elites in Japan.

With heightened tensions over territorial disputes in the region, China's military rise and increasingly aggressive behaviour in the South China Sea create a number of challenges for Japan. Since the EU is perceived as a normative actor with no stakes in the

50. For more details, see Philipp Rotmann and Garima Mohan, 'Managing Conflict, Building Peace: Opportunities for Developing the EU-India Strategic Partnership', EU India Dialogues Policy Dialogues on Global Governance and Security, Global Public Policy Institute and Carnegie India, *Policy Paper* no. 4, 2017. Available at: http://www.gppi.net/issue-areas/rising-powers-global-governance/eu-india-dialogues/

great power rivalry, it can potentially play an important role in conflict prevention in the region and should leverage this advantage more by EU public diplomacy.

GRAPH 3: AWARENESS OF THE EU AS COMPARED TO OTHER COUNTRIES/INTERNATIONAL ORGANISATIONS AMONG JAPANESE RESPONDENTS



Note: Based on the answers of option **'Do not know/ cannot answer'** to survey Q1: Generally speaking, as an overall point of view, please tell me how positive or negative you feel about each of the following countries and organisations? (N = 1024)

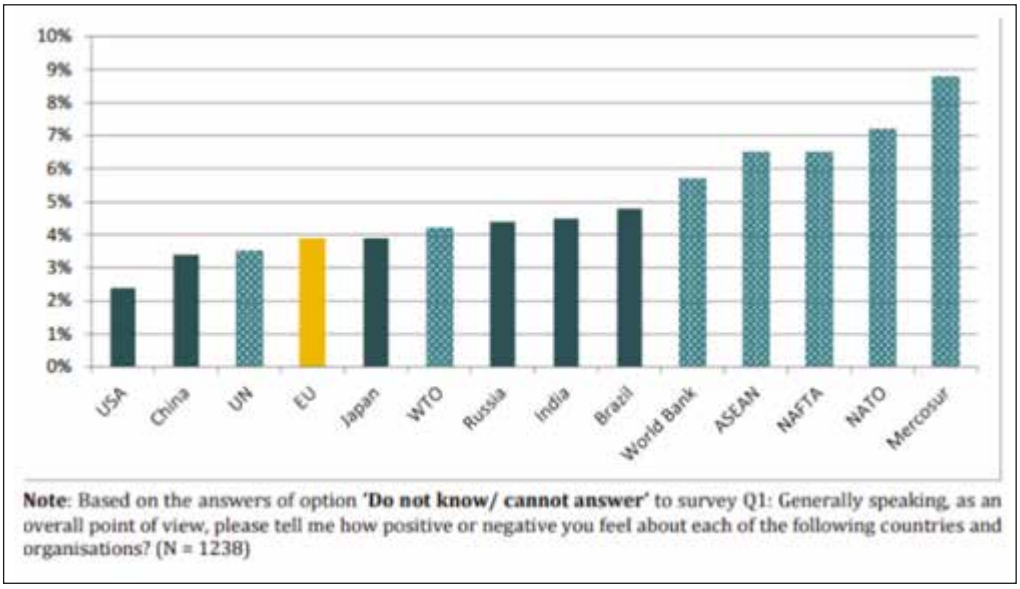
Source: 'Analysis of the Perceptions of the EU and EU's Policies Abroad' (2015)

Perceptions in South Korea

In contrast to India and to some extent Japan, policy elites and public opinion in South Korea view the EU as both an important economic and political partner. Compared to other strategic partner countries in Asia, the EU has a higher level of visibility in the public and policy domains in South Korea. The most well-known EU institutions are the European Central Bank (ECB), followed by the European Council, European Commission and the European Court of Justice, in that order. Even in general public surveys the overall visibility of the EU is quite high, similar to Japan and ranking below only US and China. Public attitudes to EU leadership in world affairs are also quite favourable, with the EU ranking only below the US, although there were doubts about the likelihood of the EU actually assuming this role in the future.

Policy elites also have a relatively sophisticated understanding of the EU's role in international politics and security, being particularly aware of the history of European post-war integration and the resultant focus on peace. Overall in media analysis and surveys, the EU's performance in peacekeeping operations is regarded positively. In general though the media focus remains on the EU's internal issues rather than on the EU's external role as a security actor.

GRAPH 4: AWARENESS OF THE EU AS COMPARED TO OTHER STATES & INTERNATIONAL ORGANISATIONS AMONG SOUTH KOREAN RESPONDENTS



Note: Based on the answers of option **'Do not know/ cannot answer'** to survey Q1: Generally speaking, as an overall point of view, please tell me how positive or negative you feel about each of the following countries and organisations? (N = 1238)

Source: 'Analysis of the Perceptions of the EU and EU's Policies Abroad' (2015)

As a norm-setter, interviews show that the EU's political integration and its 'successful mechanisms and measures' are perceived as inspiring examples which can be adapted to the Asian context. Also in terms of economic relations, the EU model is seen to be useful for economic cooperation between China, Japan and South Korea. At the same time there is a visible dichotomy on the issue of norms and values. In particular, the EU's views on humanitarian issues and interventions are seen to be at odds with those of South Korea.

The Korean Peninsula is mentioned in the EU Global Strategy (EUGS) twice, in terms of the EU's affirmation of its commitment to relations with South Korea, and to assert the EU's position on non-proliferation in the region. The EU clearly has an ambition to play a larger role through preventive diplomacy in averting conflict. In order to achieve this however it will need to use public diplomacy effectively to establish itself as an important political actor in the region.

Conclusion

The survey showed that the EU is still seen predominantly as an economic actor, yet a majority sees a global leadership role as desirable and indeed even likely within five years. Yet there is much room for improvement, particularly after the setbacks suffered by the EU and damage to its image following the UK's Brexit decision in June 2016, the ongoing refugee/migration crisis and other challenges like the simmering eurozone debt crisis. In short, the EU is still not seen as an important political and security actor among its strategic partner countries in Asia *as of now*. It is perceived as an important trading partner as well as seen as being a norm-setter especially with regard to the promotion of democratic institutions, regional integration and human rights. However the EU has still not been able to use this potential leverage in its ambition to gain more access to security policy issues and hence play a bigger security role in the region. In order to change these perceptions the EU can deploy its public diplomacy instruments – with improving perceptions also providing greater scope for preventive diplomacy.

In this context, the European Union should aspire to:

- Use public diplomacy as an instrument to spread knowledge about EU external initiatives, particularly CSDP operations and EU initiatives for conflict management and prevention. More often than not policy elites do not have enough knowledge about these undertakings given the plethora of EU institutions involved.

- Identify actors and institutions within each country working on regional security issues.

- Seek to engage in dialogue and exchange on an equal footing. The image of the EU as a 'norm-sender' has proved to be controversial and frequently detrimental. Hence the EU should avoid 'top-down' normative dialogue.

- Participate actively and sustainably in regional forums working on preventive diplomacy.

3.3: Venue setting: a preventive diplomacy niche for Europe in Asia?

The different contributions to this Report demonstrate both the range and complexity of the preventive diplomacy challenge in Asia as well as the very varied actual and potential roles played by the EU. The basic proposition is that the EU has and can continue to play a role that is both aligned with the EU's principled pragmatism and one that is of benefit to the countries of the region seeking to reduce tensions and resolve conflicts.

As closing 'food for thought' the example of the EU's engagement in Iran is offered. In this case the EU, acting in a specific format, was able to offer a venue for a complex negotiated process between sharply divided adversaries on the basis its unique convening power. This venue-setting model is worthy of further reflection among ARF partners who are united in their desire to renew consensual diplomatic and political efforts to prevent conflicts arising and ensure the impact of those that exist are minimised.

Western Asia: the role of the EU in negotiations with Iran

Jakob Bund

The nuclear agreement with Iran stands as one of few diplomatic successes in the recent past. The way there, however, was a tortuous path, resulting in the longest continuous negotiations involving all foreign ministers of the permanent members of the United Nations Security Council.

Three EU member states – France, Germany and the UK, collectively referred to as the E3 – initiated talks with Iran in 2003 following the revelation of secret Iranian nuclear facilities. The EU became part of these efforts in 2004, when the High Representative for the Common Foreign and Security Policy assumed the responsibility of spokesperson for the E3.

2003 was a defining year for international efforts to curtail the proliferation of weapons of mass destruction (WMD). In March, a US-led coalition invaded Iraq to eliminate a suspected WMD programme, with the EU divided on the question of military action against Iraq. Earlier that year, North Korea had announced its decision to withdraw from the Non-Proliferation Treaty. Already in 2002, the Bush administration had grouped both countries together with Iran into a so-called 'axis of evil'. Against this backdrop, the EU in 2003 began drafting the European Security Strategy and the EU Strategy against Proliferation of WMD, with the dedicated goal to offer alternative routes for countries that 'placed themselves outside the bounds of international society' and lead them to 'rejoin the international community'. The E3/EU negotiations with Iran about its nuclear programme became a case in point to this end – driven both by the ambition to demonstrate the feasibility of a diplomatic solution and to prevent the recurrence of an inner-EU split.

In this vein, the dual track adopted by the E3/EU combined incentives for diplomatic engagement with clear signalling of their willingness to impose and incur economic and political costs in the effort to secure Iranian commitment to restrictions on its nuclear ambitions. Separate legal envelopes for EU sanctions levied against Iran to prevent a militarisation of its nuclear programme and restrictive measures related to human rights violations lent credibility to the prospect of gradual sanctions relief in exchange for Iranian cooperation. Closer commercial relations furthermore allowed for targeted sanctions on sensitive areas of the Iranian economy. Exclusion of Iran from European insurance markets and financial transaction networks greatly complicated Iranian oil exports and Tehran's ability to settle international bills. US sanctions, by contrast, relied primarily on measures targeting third parties doing business with Iran.

Representing different degrees of historical and economic proximity with Iran, France, Germany and the UK built a negotiating platform able to reconcile diverging sets of interests without sacrificing the integrity of the process. This setup prepared for the later integration of the remaining permanent members of the UN Security Council, when the International Atomic Energy Agency referred Iran's case to the Security Council in 2006. Diplomatic channels with Iran enabled the E3/EU to test the waters for sincere Iranian interest in a negotiated solution and limit the risk of failure and political fallout for US involvement – an essential component to any final agreement.

Independent from individual national considerations and constraints, EU convening power also proved critical in maintaining negotiation channels during the later years of the Ahmadinejad government as tensions exacerbated. In addition, EU efforts were aided by the operational flexibility of a small but consistent team that strengthened the EU's capacity to act as institutional memory, even as transitions took place at the level of the High Representative.

Throughout twelve years – marked by the disruptions of the crackdown on post-election protests in Iran, the discovery of clandestine enrichment facilities and cyber-enabled sabotage against them – the E3/EU maintained a solid platform for negotiations to return to, while undergoing internal reform of the Lisbon Treaty. Preserving unity in diversity, the EU as trusted mediator moderated between at times intransigent governments in the United States and Iran, exploring alternative opportunities for framing and scoping the negotiations, remaining committed to the clearly stated purpose of a diplomatic solution. This role in the later stages of the negotiations has given rise to external perceptions of EU passivity but evolved from a deliberate trade-off between safeguarding the process and shaping the precise nature of individual proposals.

ANNEXES

Abbreviations

6PT	Six-Party Talks
AIPR	ASEAN Institute for Peace and Reconciliation
AMM	Aceh Monitoring Mission
ARF	ASEAN Regional Forum
ARMM	Autonomous Region of Muslim Mindanao
ASEAN	Association of Southeast Asian Nations
BBL	Bangsamoro Basic Law
BOGs	Basic Operating Guidelines
CBMs	Confidence-building measures
CFSP	Common Foreign and Security Policy
CPA	Comprehensive Peace Agreement
CSCAP	Council for Security Cooperation in the Asia Pacific
CSDP	Common Security and Defence Policy
DPRK	Democratic People's Republic of Korea
ECB	European Central Bank
EEAS	European External Action Service
EEC	European Economic Community
EIDHR	European Initiative for Democracy and Human Rights
ESDC	European Security and Defence College
ESS	European Security Strategy
EUGS	EU Global Strategy
EURATOM	European Atomic Energy Community
FAB	Framework Agreement on the Bangsamoro
HLD	High-Level Dialogue

GPH	Government of the Philippines
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission
IAEA	International Atomic Energy Agency
ICG	International Contact Group
IMF	International Monetary Fund
IMT	International Monitoring Team
MENA	Middle East and North Africa
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MS	Member states
NGO	Non-Governmental Organisation
NPT	Non-Proliferation Treaty
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCA	Permanent Court of Arbitration
PLA	People's Liberation Army
RNA	Royal Nepalese Army
ROK	Republic of Korea
SAF	Special Action Forces
SCS	South China Sea
TAC	Treaty of Amity and Cooperation
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TPMT	Third Party Monitoring Team
UN	United Nations
UNCLOS	United Nations Convention of the Law of the Sea
UNMIN	United Nations Mission in Nepal
UNSC	United Nations Security Council
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation

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