



**US-ASEAN CONFERENCE ON LEGAL ISSUES
OF REGIONAL IMPORTANCE
Marina Mandarin Hotel, Singapore
May 8-9, 2017**

Background

ASEAN has forged a successful and enduring union of 10 member states, cultivating a common identity and organizational coherence that are unique within the broader geopolitics of Asia. Efforts to build on achievements to date and fulfil the economic growth potential of an integrated ASEAN Economic Community (AEC) face a number of challenges, including: threats to political stability and security; subnational conflict; challenges to the free movement of labor and trade liberalization; pressures on the environment and natural resource base; transnational crime; and security and other issues that result from rapid advancement of digital technology. Each of these challenges share common underpinnings in domestic and regional law and law making, the administration of justice, and jurisprudence.

Purpose

International actors that cooperate with, invest in, or have an interest in ASEAN affairs will benefit from opportunities to interact with ASEAN counterparts in dialogue on law-related issues. Successful ASEAN integration rests in part on coordinated Member State efforts to meet the aforementioned challenges, which are tied to successful revision, monitoring, and enforcement of domestic and regional laws, administrative rules and procedures, judicial institutions, and jurisprudence. Integration under a predictable, rules-based system rests on the commitment of Member States to collaborate in the development of a uniquely ASEAN jurisprudence, the continued adaptation of ASEAN legal and regulatory institutions, and attention to the negative implications of present legal structures for women and other marginalized groups.

Objectives and Outputs

Common legal and regulatory challenges and constraints to Southeast Asian economic growth and integrity of the ASEAN membership platform are rooted in the charter-based regulatory role of ASEAN and in the capacity and political resolve of Member States to observe regional obligations through domestic law reform.

Therefore, in collaboration with the U.S. Embassy in Singapore, The Asia Foundation and the Rajaratnam School of International Studies will convene a two-day conference on ASEAN legal issues in Singapore on May 8-9, 2017. The conference will serve as a venue for lawyers, academic specialists, law and policy makers, and print and broadcast journalists and editors from ASEAN Member States, the United States, and other countries to meet, share experiences, and engage in a thoughtful dialogue that examines and analyzes the legal dimension of several issues that are critical to the future of ASEAN, including maritime security and law of the sea, migration, trafficking and other transnational crimes, trade, digital technology and cyber-security, and haze.

DAY 1
Monday, May 8

0815 Registration

0830 **Opening Ceremony**

Location: Capricorn Room, Level 1

Welcome Remarks by representative of the U.S. Department of State

Mr. Walter Douglas, Deputy Assistant Secretary of State for Public Affairs and Public Diplomacy and for Regional and Security Policy, Bureau of East Asian and Pacific Affairs, U.S. Department of State

Welcome Remarks by representative of the Rajaratnam School of International Studies

Dr. Joseph Liow Chin Yong, Professor of Comparative and International Politics and Dean, S. Rajaratnam School of International Studies

Welcome Remarks by representative of The Asia Foundation

Mr. John Brandon, Senior Director, International Relations Programs, The Asia Foundation

0845 **Framing Session**

Legal Underpinnings for the ASEAN Conference on Legal Issues of Regional Importance: Key Legal Issues Affecting ASEAN

Ambassador Ong Keng Yong, Executive Deputy Chairman, S. Rajaratnam School of International Studies

0915 Conference Goals

Ms. Sohini Chatterjee, Senior Associate, Center for Strategic and International Studies

0930 **Session 1: Environment**

Southeast Asia has a growing number of transboundary environmental issues that increasingly test the efficacy of the ASEAN forum as a means to address common regional problems. Whereas ASEAN countries have made significant gains in achieving effective collaboration and cooperation, issues such as transboundary haze and the management of shared marine resources continue to strain regional relationships. This session will begin with a look at ASEAN's institutional framework for fostering national environmental laws that reflect regional agreements and best practices. The session will use two case study summaries to illuminate issues that have been addressed effectively through ASEAN, and those that continue to be a source of contention. It is anticipated that case studies will focus on transboundary marine resource management and protection issues, as well the ongoing transboundary haze issue. The session will seek to culminate in a clarification of the variables and indicators that can help determine the relative success of ASEAN's member countries to effectively address transboundary issues, and generate recommendations for improvements in ASEAN's institutional framework that would seek to improve harmonization of standards, joint development of environmental management systems, and collaborative capacity building.

Panelists: Dr. Kheng Lian Koh, Emeritus Professor, Faculty of Law, National University of Singapore (*lead presenter*)

Dr. Jay L. Batongbacal, Professor and Director, Institute for Maritime Affairs and Law of the Sea, College of Law, University of the Philippines

Dr. Helena Varkkey, Senior Lecturer, Department of International and Strategic Studies, University of Malaya

Moderator: Mr. Kim DeRidder, Director, Environment, Program Specialists Group, The Asia Foundation

1100 Tea Break

1115 **Session 2: Strengthening Legal and Policy Frameworks to Advance Women's Rights and Opportunities in Asia**

ASEAN has a long-standing commitment to empowering women and promoting gender equality, as evidenced by such landmark commitments as the *Declaration of the Advancement of Women in the ASEAN Region* (1988) and the *Declaration on the Elimination of Violence against Women in the ASEAN Region* (2004), as well as the establishment of the ASEAN Committee on Women in 2002 and the ASEAN Commission on the Promotion and Protection of Women and Children in 2009. During the session, participants will discuss the importance and impact of strong legal and policy frameworks on advancing women's opportunities by reviewing two topics and related case studies:

- (1) Advancing women's economic opportunities, including expanding opportunities for women in trade; and
- (2) The women, peace and security agenda and leveraging the *ASEAN Regional Plan of Action on the Elimination of Violence Against Women*.

Panelists: Dr. Mely Caballero-Anthony, Head, Centre for Non-Traditional Security Studies, S. Rajaratnam School of International Studies, Singapore

Ambassador Rosario Manalo, Philippine Expert in the CEDAW Committee, 2017-2020, United Nations

Madame Ton Nu Thi Ninh, President, Ho Chi Minh City Peace and Development Foundation

Moderator: Ms. Jane Sloane, Director, Women's Empowerment, The Asia Foundation

1245 Lunch

Venue: Aqua Marine, Level 4

1400 **Session 3: Maritime Security**

Southeast Asia is a critical maritime region for commerce and resource flows, through which \$5.3 trillion in global trade transits. Waters in the region hold a variety of dangers that not only threaten the prosperity of local populations, but place the security of states at risk. The successful management of and response to maritime security threats require international cooperation. The permanent court of arbitration's ruling in July 2016 is an affirmation that territorial water disputes should be resolved peacefully, and that such dispute settlements be predicated on the rule of law. Institutional capacity is imperative for ASEAN to help strengthen legal norms and establish role-making systems as maritime security is increasingly becoming a global issue. This session will explore how ASEAN and other Asian regional architecture commitments and mechanisms such as the ASEAN Regional Forum (ARF) and the East Asia Summit (EAS) can move beyond existing arrangements and embark on more institutionalized cooperation to cope with complex security challenges that have trans-boundary ramifications.

Panelists: Dr. Lynn Kuok, Senior Visiting Research Fellow, Centre for International Law; Senior Research Fellow, University of Cambridge (*lead presenter*)

Dr. Shafiah Muhibat, Senior Fellow, Maritime Security Programme, S. Rajaratnam School of International Studies; Senior Researcher, Centre for Strategic and International Studies, Indonesia

Dr. Nguyen Lan Thi Anh, Vice Dean, International Law Faculty and Deputy Director General, Institute for East Sea (South China Sea) Studies Diplomatic Academy of Vietnam, Ministry of Foreign Affairs

Moderator: Mr. John Brandon, Senior Director, International Relations Programs, The Asia Foundation

1530 Tea Break

1545 **Break-Out Discussions I**

Location: Capricorn and Aquarius Rooms, Level 1

Participants will divide into three or four groups for 45-minute, facilitated break-out discussion on themes related to the Day 1 sessions. The groups will assign a rapporteur and a spokesperson to summarize the break-out discussion in a report-out.

1630 **Report-Outs on Breakout Discussions**

The groups will report their key findings and recommendations to the plenary.

1715 Day 1 concludes

1900 **Opening Dinner**

Venue: Vanda Ballroom, Level 5

Speaker: Mr. Robert Beckman, Associate Professor and Head, Ocean Law and Policy Programme, Faculty of Law, National University of Singapore

DAY 2 Tuesday, May 9

0900 **Day 1 Highlights and Segue to Day 2/Overview of Day 2 Proceedings**

Location: Capricorn Room, Level 1

0915 **Session 1: Trafficking in Persons and Other Transnational Crimes in ASEAN**

ASEAN leadership has shown a demonstrable commitment to address Trafficking in Persons (TIP) as a collective regional problem, evidenced by the *ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)* and the complementary ASEAN Plan of

Action. Now, there is an opportunity to consider ASEAN plans to strengthen the rule of law and border control among Member States, and establish certain minimum legal and operational standards that can facilitate efforts to prosecute cross-border TIP cases. The ACTIP Plan of Action talks of “shared responsibility in relation to addressing demand and supply,” as distinct from the more traditional “source and destination country” framework. This session will explore how regional collaboration can create an in-depth analysis of the role of corruption in TIP.

Panelists: Dr. Ratchada Jayagupta, Research Fellow, Asian Center for Migration (*lead panelist*)

Ms. Chou Bun Eng, Secretary Ministry of Interior and Permanent Vice Chair, National Committee to Combat Trafficking (NCCT), Cambodia

Dr. Geeta Sekhon, International and National Legal Consultant, United Nations

Moderator: Dr. Nandita Baruah, Deputy Country Representative, Nepal, The Asia Foundation

1045 Tea Break

1100 **Session 2: Cyber-Security and Data Protection**

Rapid and accelerating advances in digital technology are poised to become at once both the most promising and the most destabilizing drivers of change in ASEAN. Today, commercial and economic aspects of cybersecurity are more than just marketplace issues – there are national issues at stake. These include critical infrastructure protection, theft of information and intellectual property, freedom to communicate and share information, and privacy online. Efforts to find solutions to international economic and commercial cybersecurity issues must involve a broad group of stakeholders. Successful efforts would help to promote enhanced data privacy and security of online information; intellectual property rights for digital products; the free flow of information across borders; and digital payment authentication policies and standards. The *ASEAN ICT Masterplan 2015* (AIM), launched in 2011, underlines the need to “coordinate to promote network integrity and information security, data protection and Computer Emergency Response Team cooperation by developing common frameworks and establishing common minimum standards where appropriate, to ensure a level of preparedness and integrity of networks across ASEAN.” Panelists will address the rapid pace of digital technology growth and its profound implications for the region and consider how to facilitate implementation of the ICT Masterplan. The panel will also look specifically at cybercrime and the immediate steps ASEAN members should take to enhance compliance with the Budapest Convention.

Panelists: Mr. Ng Hoo Ming, Deputy Chief Executive (Operations), Cyber Security Agency of Singapore

Mr. Keshav S Dhakad, Assistant General Counsel and Regional Director, Digital Crimes Unit, Microsoft Asia

Mr. Steve Tan, Partner, Deputy Head, Technology, Media and Telecommunications, Rajah & Tann Singapore LLP

Moderator: Mr. Zachary Delecki, US Department of State

1230 **Session 3:** **Working Lunch on Labor Migration in ASEAN**

Venue: Leo Room, Level 1

With more than 520,000 refugees and asylum seekers, 855,000 internally displaced people, and 1.4 million stateless people in Southeast Asia, the region has yet to put in place a regional agreement or processes to protect their rights. These dangers will increasingly threaten ASEAN's economic and regional security. This session will explore how ASEAN can enhance regional cooperation in this area given the organization's commitment to the fundamental principle of noninterference in the internal affairs of Member States. ASEAN has struggled to create a legally binding convention to protect migrant workers. During the working lunch, panelists will consider how ASEAN can work more effectively to create a common regulatory framework on migrant rights.

Panelists: Dr. Chan Chee Khoon, ScD (Epidemiology), Visiting Scholar, Centre for Research in International & Comparative Education (CRICE), Faculty of Education, University of Malaya

Dr. Supang Chantavanich, Professor, Department of Sociology and Anthropology, Faculty of Political Science, Chulalongkorn University

Mr. Jolovan Wham, Executive Director, Humanitarian Organization for Migration Economics

Moderator: Ms. Nur Fitriana, Project Manager, International Organization for Migration

1400 **Session 4:** **Regional Trade in ASEAN**

The launch of the ASEAN Economic Community (AEC) in December 2015 was a significant milestone for ASEAN but the hard work of realizing Member State commitments and obligations remains. In boosting intra-regional trade to reduce vulnerability to external shocks, ASEAN requires a common regulatory framework to address infrastructure gaps and simplify administrative policies, regulations, and rules. Only half of ASEAN businesses have utilized tariff reductions set out in ASEAN's regional free trade agreement and the number of non-tariff barriers and technical trade barriers among Member States has increased. If the agreement is well managed over the next decade, the AEC could boost the region's economies by 7.1 percent between now

and 2025. This panel will explore how to effectively realize the goals of the AEC, with a specific focus on information and communication technology. The panel will also look at the implications of the RCEP Agreement, as well as the shifting trade interests of the U.S., China, Japan and ASEAN members, in the post-TPP environment.

Panelists: Ms. Maura Ada Décosterd, Senior Trade Law and Policy Officer, Economic Research Institute for ASEAN and East Asia

Mr. Madhurjya Kumar Dutta, Director of Trade and Investment Facilitation, Mekong Institute

Ms. Veronica Taylor, Professor of Law and Regulation, Law and Justice Cluster, Regulatory Institutions Network (RegNet), College of Asia & the Pacific, The Australian National University

Moderator: Ms. Sohini Chatterjee, Senior Associate, Center for Strategic and International Studies

1530 Tea Break

1545 **Break-Out Discussions II**

Location: Capricorn, Aquarius and Pisces Rooms, Level 1

Participants will divide into three or four groups for 45-minute, facilitated break-out discussion on themes related to the Day 1 sessions. The groups will assign a rapporteur and a spokesperson to summarize the break-out discussion in a report-out.

1630 **Report-Outs on Break-Out Session**

Location: Capricorn Room, Level 1

1715 **Next Steps**

1730 **Closing Remarks**

Ms. Camille Dawson, Public Affairs Officer, U.S. Embassy Singapore

Ambassador Ong Keng Yong, Executive Deputy Chairman, S. Rajaratnam School of International Studies

Mr. Kim McQuay, Managing Director, Program Specialists Group, The Asia Foundation