Sustaining U.S. Engagement in Southeast Asia: Advancing American Interests under a New Framework

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All opinions contained herein are the authors’ own.
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EXECUTIVE SUMMARY

Southeast Asia is home to vital American interests—from the shipping lanes of the South China Sea to ASEAN’s remarkable advancements. Properly applied, U.S. policy in the region can help strengthen governance and rule of law, sharpen economic growth, and encourage environmental sustainability. Absent careful policy choices, however, challenges in Southeast Asia have the potential to exacerbate tensions and conflict.

This report presents an integrated strategy for sustained U.S. engagement in Southeast Asia. The strategy, termed Sustainment, builds upon the gains of the Pivot and launches new initiatives. It has three main pillars:

**Pillar 1: Strengthen Regional Security**

Southeast Asia is rife with security challenges, from instability in the South China Sea, to terrorism, to uncertainty surrounding U.S. alliances. Sustaining regional security requires four key areas of action: (1) shore and expand alliances and partnerships; (2) expand freedom of navigation in contested waters; (3) raise the costs of militarization of the South China Sea; and (4) improve counter-terror cooperation. This strategy departs from past security policy by identifying steps to engage China and elevating environmental sustainability as a pillar of regional stability.

**Pillar 2: Promote Economic and Environmental Sustainability**

Economic growth in Southeast Asia presents opportunities for U.S. investment and financial partnerships. Following its withdrawal from the Trans-Pacific Partnership, the United States must regain the region’s trust and create sustainable economic partnerships. To achieve this, the United States should: 1) Support regional economic integration; (2) Strengthen regional trade partnerships through complementary bilateral partnerships; and (3) Prioritize sustainable environmental development and inclusivity.

**Pillar 3: Sustainably Advancing Human Rights**

Human rights challenges are acute in Southeast Asia—from the Rohingya crisis to drug wars and political oppression. In order to sustainably advance human rights issues as part of a broader security and economic framework, the United States should: (1) address humanitarian crises; (2) promote and protect political freedoms; (3) bolster good governance and rule of law; and (4) encourage regional responses to human rights issues.

**Challenges for U.S. Engagement**

Sustaining American engagement in Southeast Asia does not aim to contain or counter China. Nor does it demand that ASEAN choose between Washington and Beijing. Rather, it shifts the narrative away from zero-sum U.S.-China competition and toward a more sustainable and stable future. Sustainment makes the case for U.S. engagement that encourages bilateral and multilateral cooperation on security, environmental, and economic issues and rebuilds trust in America’s commitment to the region.
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<th>Acronym</th>
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<tr>
<td>AEC</td>
<td>ASEAN Economic Community</td>
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<tr>
<td>AIIB</td>
<td>Asian Infrastructure Investment Bank</td>
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<td>AICH</td>
<td>ASEAN Intergovernmental Commission on Human Rights</td>
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<td>APEC</td>
<td>Asia-Pacific Economic Cooperation</td>
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<td>ARF</td>
<td>ASEAN Regional Forum</td>
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<td>CARAT</td>
<td>Cooperation and Afloat Readiness and Training</td>
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<td>EAS</td>
<td>East Asia Summit</td>
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<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<td>EDCA</td>
<td>Enhanced Defense Cooperation Agreement</td>
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<td>FCG</td>
<td>Fisheries Consultative Group</td>
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<td>ISIS</td>
<td>Islamic State of Iraq and Syria</td>
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<td>INTERPOL</td>
<td>International Criminal Police Organization</td>
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<td>LNG</td>
<td>Liquefied Natural Gas</td>
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<td>MCC</td>
<td>Millennium Challenge Corporation</td>
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<td>NLD</td>
<td>National League of Democracy</td>
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<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
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<td>RCEP</td>
<td>Regional Comprehensive Economic Partnership</td>
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<td>SME</td>
<td>Small and Medium Enterprises</td>
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<td>SEAFDEC</td>
<td>Southeast Asian Fisheries Development Center</td>
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<td>TGAP</td>
<td>Trans-ASEAN Gas Pipeline</td>
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<td>TPP</td>
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INTRODUCTION

Southeast Asia is a region bursting with promise yet rife with challenges. Its economies are rapidly expanding, more than half of the world’s trade flows through its strategic waterways, and over half a billion diverse peoples are spread across its 10 countries. A host of challenges threaten to undermine its promise and U.S. interests tied to that promise. Southeast Asia’s relatively weak regional and national institutions struggle to address issues ranging from environmental degradation, to territorial disputes in the South China Sea, to human rights challenges such as human trafficking. If the region is unable to strengthen its capacity to govern and enforce rule of law, it will fail to achieve its potential and the United States will lose the opportunity to benefit from this vibrant region. Effective U.S. engagement with Southeast Asia should seek to advance U.S. security, economic, and human rights interests by strengthening the region’s capacity to meet the multitude of challenges it faces and unlock its promise.

The Obama administration’s “Pivot to Asia” recognized the region’s potential and provided an initial framework for engagement. However, the Pivot failed to achieve its central goals of establishing a 21st century trade regime in the form of the Trans-Pacific Partnership and constraining Chinese aggression in the South China Sea. These failures, coupled with a new administration in the White House, have left Southeast Asian nations unsure about U.S. commitment to the region and our ability to advance policy objectives. Therefore, it is critical at this moment to develop a new and comprehensive regional policy, signaling U.S. intent to stay engaged in Southeast Asia.

This report advances a new framework, Sustainment, which will build on the Pivot and pursue deeper and meaningful ties with Southeast Asian countries and institutions. This report and its recommendations seek to advance a stable, prosperous, and self-governing Southeast Asia capable of efficiently managing regional challenges. Sustainment will signal that the United States is committed to being a positive presence in Southeast Asia, one that works collaboratively with its partners and allies, and also recognizes the importance of the region for U.S. interests.

The Need for Engagement with Southeast Asia

Across the globe, the United States faces a period of unpredictability and rising tensions with regional powers ranging from Russia to China. In an increasingly multipolar world, the chorus of questions about U.S. leadership is growing louder. With global support of a liberal world order at a historic low, the Post-World War II framework that solidified liberal values and international institutions confronts its most pressing challenge since the end of the Cold War. A comprehensive engagement strategy with Southeast Asia is needed to provide the United States with an active role in global strategy and regional engagement. Furthermore, the United States has a vested interest in an integrated, stable, and resilient Southeast Asia.
Great power competition is particularly pressing in Asia. Home to strategic allies and partners, the fastest growing aggregate economies, and up-and-coming militaries, Asia remains an essential part of the United States’ foreign policy priorities. If a U.S.-China great power competition dominates, the end result will be a significant blow to an important region. The free flow of ideas and goods suffers in the face of great power competition, which undermines stability. Most importantly, geopolitical competition hurts U.S. access to the region, inhibiting the U.S. economy in a critical period of global transition. Given China’s rise, the United States should play a stabilizing role in the region and ensure the situation does not devolve into a destabilizing, zero-sum geopolitical competition, lest the region succumbs to an arms race or even outright conflict. It is vital for the United States to foster international cooperation and liberal values in Asia. Doing so gives the United States a springboard for ushering Asia into a peaceful and prosperous future, which in turn will support the gamut of growing U.S. economic interests in the region.

Southeast Asia is an important strategic nexus for the United States between the Pacific and Indian Oceans. The region’s geographic expanse is vital for over half of the globe’s commerce. Its growing markets are ideal for U.S. economic engagement. By advancing community and collaboration with Southeast Asian nations, the United States can lessen the threat of geopolitical competition. Given the changing global picture and Southeast Asia’s strategic importance, the United States should devote resources to a new Southeast Asia specific sub-regional policy for addressing gaps in engagement in the wider Asia region. The United States should continue to support Southeast Asia in addressing shared problems by improving bilateral partnerships and multilateral cooperation to maintain a system of strong, transnational collaboration across Asia. By creating a localized engagement strategy with Southeast Asia, the United States will be able to instill a framework of cooperation and community, as opposed to competition and hegemony throughout wider Asia and the world for the future.

### Regional Trends and Challenges

Over the past two decades, China’s dramatic rise in capabilities and assertiveness has been on prominent display in Southeast Asia. While China’s rise has offered economic opportunity for Southeast Asian countries, in the form of free trade and investment deals, its military might and expansive claims in the South China Sea pose strategic questions to the countries in the region.

Southeast Asia itself is in a period of transition. Many of its countries, such as Myanmar and Laos, are growing quickly, and with great promise. Southeast Asian countries have been the fastest growing economies in Asia for over a decade. However, emerging security threats such as ISIS inspired foreign fighters, poor resource management of shared commons, and

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2 Ibid.

back sliding of human rights and good governance are equally part of Southeast Asia in transition. Critically, underscoring all of these challenges is a still emerging regional architecture: ASEAN’s emphasis on consensus and non-interference makes change slow and difficult. In this space, it is the ASEAN framework that animates the region; without ASEAN there is no greater Southeast Asian community. Nevertheless, potential flashpoints are intensifying. The South China Sea, the all-important water way for transiting goods across the Indian and Pacific Oceans, is host to numerous disputes due to competing territorial claims that undermine security and customary international law and threaten critical living resources. Individual Southeast Asian states lack the capacity to handle these issues themselves in a sustainable manner, and the ASEAN platform for handling issues through cooperation has proved tenuous. While ASEAN remains Southeast Asia’s best hope to advance solutions to these issues, the organization and its members need significant support to be able to do so.

**Sustainment: A New U.S. Strategy**

In a new administration, Sustainment should be the guiding framework and the key message from the United States with regard to its presence in and engagement with Southeast Asia. Repeatedly, Asian countries have received and labeled U.S. foreign policy in Southeast Asia as a means of containing China. Regional countries fear U.S. engagement as steps towards a zero-sum game in which they will ultimately have to choose between the United States and China. However, this new policy aims to relinquish those fears immediately. Sustainment reflects a long-term engagement strategy that works to overcome the episodic nature of U.S. relations in Southeast Asia and promote a stable, prosperous, and autonomous Southeast Asia that is capable of managing regional challenges with efficiency and effectiveness. In other words, Sustainment is a holistic policy striving for the formation of a resilient and sustainable Southeast Asian community. It sustains the U.S. role in the region and aims to boost areas of cooperation with China, an inverse of the perceived containment narrative.

Sustainment grants the U.S. government a needed catalyst for engagement in Southeast Asia. The Obama administration’s Pivot generated a historic increase in engagement with the ten members of ASEAN, including unprecedented improvements in U.S. bilateral relations with Myanmar, Vietnam, Malaysia, and Indonesia. The Pivot remains the high-water mark for policy frameworks in Southeast Asia. While the Pivot was essential for engagement in Southeast Asia, the U.S. government is in need of a framework for re-asserting our commitment to the region in the wake of a new administration.

Sustainment is the road map for essential goals in the face of emerging realities. Sustainment offers both continuity and departure from the previous Pivot framework for the future of U.S.

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5 See Table 1 in Appendix

engagement. Similar to the Pivot, it reminds regional partners that the United States is a committed, responsible stakeholder in the region. It intends to build on the Pivot’s success of enhancing U.S. bilateral partnerships and ties to ASEAN while strengthening focus on environmental sustainability, inclusivity, and human rights. Bearing in mind changes in regional developments while understanding the past frameworks, a sustained U.S. presence in Southeast Asia should advance and preserve positive ties with the region to ensure regional equilibrium in which ASEAN nations remain autonomous, promote stronger intra-ASEAN cooperation on transnational issues, enhance economic ties and trade, and continue to advance rights and democratic values.

**Guiding Principles of a Sustainable Engagement with Southeast Asia**

Under the lens of a Sustainment framework, sustainability as a guiding principle refers to not only environmental sustainability, but also increased capacity and engagement across three pillars: (1) regional security; (2) economics and the environment; and (3) human rights issues. Key guiding principles for enacting Sustainment include: (1) maintain firm but not antagonistic relations with China in Southeast Asia while seeking new areas of cooperation in regional economic development; (2) continue support for strong bilateral and multilateral ties, including for ASEAN centrality; and (3) leverage state and non-state partners to address issues. Built on this framework, Sustainment will invigorate the region at large, creating a forward-looking, vibrant community. Pertinent Guiding In turn, Southeast Asian countries will have sufficient national and multilateral infrastructure for dealing with transnational issues in a comprehensive fashion, in which all members of ASEAN work together in creating shared solutions to shared problems. To enact this framework, enduring positive, bilateral relations between the United States and Southeast Asian nations are critical. In order to advance that overarching vision, this report focuses on several U.S. government goals in the region: (1) adherence to rule of law; (2) sustainable development and open economies; (3) strong regional fora that encourage transnational solutions to transnational issues; (4) commitment to protect the commons; and (5) stronger democratic institutions and support for human rights. To guide The recommendations within each pillar below tie back to these overarching principles, which will help the United States meet the challenges of the region and unlock its potential.
PILLAR 1: STRENGTHEN REGIONAL SECURITY

Security Challenges in Southeast Asia: Goals and Overview

In Southeast Asia, the United States faces a geostrategic balancing act: strengthening the influence and cohesiveness of regional fora and reinforcing bilateral relationships, while fostering a constructive relationship between the United States and China. The Pivot addressed these strategic objectives by focusing on preventing the militarization of the South China Sea, maintaining freedom of navigation, and strengthening counterterrorism cooperation. The policy of Sustainment builds upon this foundation, but requires a shift in certain areas.

This report recommends a new approach to the way the United States approaches its oldest allies in the region, Thailand and the Philippines, and suggests actions that clearly signal their strategic and enduring importance to United States. Rebooting these alliances is critical to ensure China and Southeast Asian partners understand U.S. presence in the region is for the long haul. Existing efforts to reinforce international maritime rule of law are critical to sustain, but the United States should broaden the concept of “security issues” to address both the causes and symptoms of the region’s fragility, such as food security and the sustainable and equitable management of the region’s natural resources. The Sustainment policy also maintains long-standing counterterrorism support for regional partners as they cope with the newest iteration of persistent threats while advancing target recommendations to counter violent extremism.

The Sustainment framework’s overarching goal is to safeguard U.S. security interests through the promotion of a rules-based order and the strengthening of regional cooperation and strategic alliances. The establishment of a rules-based order, as called for by past U.S. policies, will not only protect core U.S. interests, such as freedom of navigation in the South China Sea, but will also provide a framework that fosters collaborative approaches and promotes regional stability. Increased stability will benefit all South China Sea claimant states and stakeholders and enable the United States to more effectively partner with Southeast Asian nations to address transnational security threats.

As such, the United States can achieve these goals by pursuing the following actions: (1) reset relations with traditional U.S. regional allies to foster enhanced operational capacity; (2) advance maritime security through the continued promotion of international rules and norms and expand the protection of fisheries in the South China Sea; and (3) enhance counterterrorism cooperation with and among ASEAN member states.

“Because military cooperation is still a necessary part of the Philippines’ defense needs, American policy makers should start by re-centering the bilateral relationship on military cooperation.”
Renewing U.S.-Southeast Asian Military Alliances

Although Thailand and the Philippines are often touted as the United States’ oldest allies, recent domestic political events have stressed U.S. alliances with these two strategic partners. Under the Obama administration, the United States tended to prioritize the domestic affairs of each ally. In Thailand, and now in the Philippines, this has limited lines of communication and reduced the scope of alliance functions such as joint exercises and military cooperation. Under a policy of Sustainment, the United States should renew its bilateral ties to Thailand and the Philippines by addressing domestic political concerns via alternative channels, such as longer-term civil society engagement efforts. This will allow U.S. leaders to focus instead on fostering durable security partnerships through military cooperation and enhanced alliance operational capacity.

Strengthening Military Partnerships

Recommendation: Reinvigorate U.S. regional alliances by focusing on less sensitive areas of cooperation.

President Duterte’s anti-American rhetoric and early public statements about realigning with China threatened to undermine much of the progress made during the Pivot. Although Benigno Aquino III was a strong supporter of the U.S.- Philippine alliance and signed the Enhanced Defense Cooperation Agreement (EDCA), President Duterte has expressed distrust of the American alliance, censuring any American military presence and calling for a two-year withdrawal timetable. In spite of this, the Philippine Armed Forces and National Defense Department remain committed to U.S. military cooperation, which is still a necessary part of the Philippines’ defense needs. Thus, American policy makers should start by re-centering the bilateral relationship on military cooperation, where the Philippines’ Armed Forces remains dependent on U.S. military support, equipment, and training and would not allow President Duterte to unilaterally impede the alliance. The United States should not allow initial rough edges to override its strong, established partnerships.

In Thailand, the United States’ strong focus on the return to democratic governance has reduced the flow of aid and frequency of alliance activities between the two states, such as the

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13 Ibid.
2015 COBRA GOLD exercise.\textsuperscript{14} The transition from King Bhumibol to the unpopular Crown Prince Maha Vajiralongkorn has added additional unknowns to the stability of the alliance.\textsuperscript{15} Nonetheless, U.S. military ties to Thailand remain consistent, and the U.S. government should galvanize their ties with Thailand’s military. In the short term, U.S. policy makers should shift their focus to softer forms of U.S.-Thai cooperation, through military exchanges and cooperative efforts on the environment. These forms of cooperation evade political sensitivities and still allow Thai elite to access U.S. counsel, while also expanding U.S.-Thai military cooperation to the extent that U.S. law allows.\textsuperscript{16} In both the Philippines and Thailand, a strong history of U.S. military cooperation and partnership helps the United States move forward.

**Signaling Regional Commitment**

**Recommendation:** Cement U.S. commitment to the region and regional architecture by convening multiple face-to-face meetings with alliance leaders.

In the immediate future, the Trump administration should cement its participation in Southeast Asian multilateral institutions, such as ASEAN, the ARF, and EAS, as a signal of U.S. vested interests and commitment to Thailand, the Philippines, and ASEAN. With the Philippines seated as the 2017 ASEAN chair, the United States should foster closer relations with President Duterte on non-politically sensitive issues and brainstorm areas of new cooperation. Such cooperation could be implemented through ASEAN functions, and the same pattern can apply to engaging with Prime Minister Prayut. To signal its intent to stay engaged in the region, the United States should also continue to pursue personal diplomacy through face-to-face meetings between leaders and officials, which offer reassuring gestures, as exemplified by Secretary Mattis’ recent visit to Japan and South Korea. The Trump administration should organize further overseas trips that follow the model of Vice President Mike Pence’s April visit to Indonesia and his visit to the ASEAN secretariat.\textsuperscript{17} Sustaining personal diplomacy in Southeast Asia, with U.S. allies and partners and with ASEAN, will further enhance the security role of the United States in Southeast Asia and in the Asia-Pacific more broadly.

\textsuperscript{16} Lohman, “Thailand Loses a King-and America Loses a Partner.”
\textsuperscript{17} Murray Hiebert, “Pence Visits Indonesia to Discuss Trade, Reassure Asia Trump Will Remain Engaged,” *CogitASIA*, April 17, 2017, https://www.cogitasia.com/pence-visits-indonesia-to-discuss-trade-reassure-asia-trump-will-remain-engaged/.
**Updating Old Alliances**

**Recommendation: Secure past agreements and establish new military cooperation frameworks to deepen and diversify alliances.**

After articulating a strong and sustained U.S. commitment to regional security and increased military cooperation, U.S. leaders should begin to clarify and improve past elements of the alliances. For the U.S.-Philippine alliance, President Trump should first urge President Duterte to uphold the basing stipulations of the 2014 EDCA and restart U.S.-Philippine military and civilian cooperation at Clark Air Base and Naval Station Subic Bay. Second, the United States should ascertain and augment Philippine participation in the Balikatan exercises and expand the role of the Philippines in the Cooperation and Afloat Readiness and Training (CARAT) exercises. Third, the United States should offer support to modernize the Philippines’ outdated naval, air force, and coast guard technologies through a joint-campaign focused on technical training and promoting joint-acquisition usage of equipment.18

“With the long-term goal of enhancing military cooperation and revitalizing relations with Southeast Asian allies, the United States should continue to carefully observe domestic developments in Thailand and the Philippines, but not allow these concerns to hinder the functions of the alliances.”

For the U.S.-Thai alliance, the United States should foster further lines of communication and slowly restart assistance on a *quid pro quo* basis for increased Thai participation in alliance functions. In tandem, the United States should increase funding for humanitarian assistance and disaster relief joint-training facilities such as developing U-Tapao as a critical operating base, as was the case for combat missions in Afghanistan and Iraq. The United States should restart the International Military Education and Training program to offer U.S. training to Thai military officers.19 Such training encourages deeper defense cooperation and engagement consistent with U.S. principles and operating practices. Fourth, the United States should encourage and support Thai investment in improving its own air force and naval capabilities. By offering technical and logistical support to augment Thailand’s archaic command and control networks (on its aircraft and ships), the United States aims to increase Thai forces’ capability in procuring and sharing intelligence. With the long-term goal of enhancing military cooperation and revitalizing relations with Southeast Asian allies, the United States should continue to carefully observe domestic developments in Thailand and the Philippines, but not allow these concerns to hinder the functions of the alliances.

Lastly, under this framework, the United States can institute a range of bilateral assistance programs in Thailand and the Philippines to cultivate healthier bilateral relations and ultimately encourage better practices (i.e. halting extrajudicial killings in favor of sustainable counter-drug policies), strengthen the judiciary, and promote economic growth.


19 Ibid., 80.
Fostering Durable Security in the South China Sea

The growing challenges of maritime security and ecological degradation in the South China Sea necessitate a revised U.S. approach to secure its vital interests at stake. The United States should focus on furthering a common language and usage expectations throughout the regions EEZs, and increase dialogue among and capacity of ASEAN member states to monitor and manage their claimed waters. China’s extensive claims threaten international freedom of navigation, economic activity, and energy security in the South China Sea. The United States should address this challenge through a series of short- and long-term actions that preserve international rules and norms in the region and around the globe.

Expanding Security Responsibilities

**Recommendation: Maintain the tempo and expand the participants of FONOPS in the South China Sea to increase costs of China’s anti-access operations.**

In the near term, the U.S. Department of Defense should sustain the tempo of Freedom of Navigation Operations (FONOPS) in the South China Sea. As bilateral partnerships mature, the United States should seek opportunities to increase the frequency, size, and diversity of military exercises and activities with its partners and allies in Southeast Asia. This will increase the costs for China as it attempts to establish an anti-access/area denial capability within its claimed nine-dash line maritime boundary. Further, whenever possible, the United States should leverage existing treaties and partnerships to expand protection of, and cooperation with, South China Sea claimants. For instance, the Trump administration can offer a clarification that the U.S.-Philippine treaty covers Filipino personnel stationed in the South China Sea, since these waters are considered part of the Pacific under Article V of that treaty. The United States, to date, has not clarified whether its treaty with the Philippines covers Filipino personnel or Philippine-claimed territory in the South China Sea. This would challenge Beijing’s upcoming annual fishing moratorium in the South China Sea, which includes the Philippine-claimed Scarborough Shoal. If the United States is serious about creating a sustainable environment in the South China Sea, it must manage these flashpoints—particularly when U.S. treaties are involved.

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**Consolidating Norms**

**Recommendation:** Ratify UNCLOS and issue communique stipulating its interpretation as related to the South China Sea, signaling the U.S. commitment to international law, institutions, and norms.

The United States should ratify UNCLOS, as it develops a common language with China and ASEAN member states around maritime security issues and promotes the solidarity of ASEAN member states. Disputes over FONOPS and maritime security in the South China Sea arise in part due to differing interpretations of UNCLOS amongst claimants. If the United States wishes to be party to the development of a common rhetorical framework on security issues in the South China Sea, it must sign and ratify UNCLOS. Such an action would communicate that, for the United States, resolution of maritime disputes and FONOPS in the South China Sea are not a question of being for or against any particular country or its claims, but rather for being on the side of international law, institutions, and norms. To demonstrate its intentions, the United States should issue a communique clearly stipulating its interpretation of UNCLOS immediately following ratification. Of course, ratification of international treaties is a Congressional matter; nonetheless, the President should move to ratify UNCLOS as a signal of U.S. intent.

**Territorial Waters Maintenance**

**Recommendation:** Reduce illegal fishing through capacity building for regional coast guards to mitigate confrontational incidences between national fishing fleets.

Disputes among claimant states in the South China Sea are highly susceptible to the outbreak of violence at the nexus of food security and the militarization of the region’s maritime activity. As such, the United States should bolster coastal partners’ capacity to monitor and manage their territorial waters by offering training and funding to regional coast guards. This will help states protect critical fisheries and aquaculture from illegal, unreported, and unregulated fishing (IUUF) by foreign vessels within their territorial waters. For instance, the United States could establish bilateral agreements with Indonesia, Vietnam, and Malaysia, aimed at building those countries’ technical and physical capacities.
Sustainable Fisheries Management

Recommendation: Elevate the issue of fishery management and degradation at regional fora, and convene regional summit to develop a regional fisheries framework.

The United States should elevate the issue of food security and sustainability in the South China Sea in regional and international fora, including it on the agenda of U.S.-ASEAN meetings, the ASEAN Regional Forum, and the East Asia Summit meetings. Additionally, the United States should encourage ASEAN leaders to convene a regional conference with China. This conference would narrowly address the management of fisheries by building an agreement rooted in select articles of UNCLOS that pertain to fishing practices and conservation, while shelving more contentious issues. The Gulf of Tonkin Agreements between China and Vietnam may provide a framework with which to approach the joint management of fisheries.21 There is an inherent link between environmental sustainability in the South China Sea and the preservation of international rules and norms in Southeast Asia—the United States can play a critical role in obviating that connection.

“For the United States, resolution of maritime disputes and FONOPS in the South China Sea are not a question of being for or against any particular country or its claims, but rather for being on the side of international law, institutions.”

Addressing Counterterrorism and Countering Violent Extremism

The proliferation of violent extremist and terrorist organizations in Southeast Asia represents a limited but persistent threat to regional growth. Sustainment builds upon existing tactical and organizational support to regional governments, but focuses on increasing interoperability between the region’s security services. Terrorism is not new to Southeast Asia, yet states still struggle to balance effective anti-terrorism legislation with demands by civil liberties groups for greater transparency. Finally, there remains a dearth of local and international understanding of how extremist groups tap into vulnerable communities and weaponize local grievances. As such, the policy of Sustainment recommends multiple actions to assist ASEAN governments and communities address terrorism and extremism in both transnational and local ways.

Increased Information Sharing

Recommendation: Facilitate interoperability between regional immigration and law enforcement agencies by establishing minimum threshold for shared database use.

In order to mitigate the threat of terrorism, regional governments must improve their ability to identify, track, prosecute, detain and rehabilitate suspected terrorists. To build on ongoing bilateral cooperation, the United States can facilitate increased intra-ASEAN information sharing and cooperation by providing technical expertise and deploying surveillance and monitoring resources to key affected countries. For example, the United States should assist Indonesia, Malaysia, Thailand, and the Philippines to ensure that all border crossing points systematically use INTERPOL Border Management Database. While these systems exist in urban hubs, the region’s long and porous borders have been a boon to terrorist organizations that operate and collaborate across poorly governed spaces.

Holistic Law Enforcement Tools

Recommendation: Increase technical training and support for a law enforcement approach to counterterrorism.

Governments in the region must also strengthen their law enforcement mechanisms, from police surveillance to evidence gathering to collaboration between prosecutors and police. This includes drafting appropriate anti-terror legislation that gives law enforcement agencies the necessary tools, without infringing on civil liberties. ASEAN member states must also address the fact that prisons are epicenters of radicalization and that convicted terrorists continue to communicate and orchestrate illicit activities from behind bars. The United States should provide technical expertise on both of these fronts, and encourage the sharing of best
practices among affected states. A first step would be to convene a regional summit to discuss approaches to prison system management and inmate rehabilitation, and invite counterparts from other parts of the world, such as the founders of the widely respected Danish Aarhus Model.²²

**Community-centric Approaches**

**Recommendation: Reinforce U.S. support for Southeast Asia’s Muslim populations and elevate NGO participation at counterterrorism summits.**

Reducing local vulnerability to radicalization will require initiatives tailored to reflect local nuances and driven by grassroots organizations. Community resilience is key to deflecting the destructive rhetoric of ISIS or other extremist organizations, yet before U.S. representatives begin this conversation with their counterparts, the Trump administration should reiterate its support for the region’s Muslim populations. President Trump’s expected visit to the region in late 2017 provides an opportunity for him to meet with Malaysian or Indonesian citizens, and reinforce the U.S. core objective of promoting religious freedom and tolerance around the world.²³ In the long-term, the United States can bolster grassroots efforts by supporting local actors and by encouraging continued regional workshops and summits to share best practices and facilitate dialogue. The United States and other regional allies, such as Japan and Australia, should finance opinion polling to measure the impact of counter narrative campaigns and fund scholarly research into how local grievances are weaponized by militant rhetoric.


PILLAR 2: PROMOTE ECONOMIC AND ENVIRONMENTAL SUSTAINABILITY

Southeast Asian Economies: Goals and Overview

In Southeast Asia, the United States confronts a deficit in confidence from its recent withdrawal from the Trans-Pacific Partnership (TPP). As the economic centerpiece of the Pivot, the United States’ recent withdrawal has led ASEAN leaders to question U.S. commitment to the region. Any U.S. strategy in the region must therefore deploy strong tools of economic statecraft.

As China continues to expand its sphere of interest economically and politically in Southeast Asia, the United States should seek to advance its economic interests as well. Already, China has seized the opportunity of U.S. withdrawal from the TPP to brand itself as the regional leader by championing the Regional Comprehensive Economic Partnership (RCEP), thereby attempting to write trade rules on its own terms. While advancing U.S. economic goals will entail some regional competition, especially in terms of setting the rules and norms guiding economic growth, there is space for overlap and U.S. cooperation with China. Indeed, China’s investment in Southeast Asian economies will also benefit the United States. For example, much-needed infrastructure development in places like Myanmar and Cambodia can help pave the way for stronger U.S. business investment in the region.

Currently, U.S. trade with ASEAN member states supports more than 560,000 U.S. jobs. In 2015, Southeast Asia’s economy totaled $2.5 trillion, and overall growth is expected to remain strong given increased domestic demand, population growth, infrastructure development, and rising exports. Accordingly, the United States should seek to spur its own economic development by strengthening ties to Southeast Asia’s rapidly expanding markets. To achieve this, the United States should maintain aspects of the Pivot that emphasized strengthening and expanding economic ties between Southeast Asia and the United States. The United States should be clear that a withdrawal from the TPP does not equate a withdrawal from the region. In its absence, the United States should continue to advance trade ties through bilateral partnerships in the region and reassure Southeast Asia that the United States is interested in fostering global trade.

The region’s economies, while fast-growing and dynamic, remain incredibly diverse and pose ongoing challenges for U.S. economic planning and integration. To enable U.S. companies to approach Southeast Asia’s economies more collectively, U.S. policy needs to maintain its support for ASEAN economic integration and

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27 Barshefsky, “Reinvigorating U.S. Economic Strategy in the Asia Pacific.”
liberalization. Greater economic integration within ASEAN and stronger U.S. ties with ASEAN countries will ensure these small and medium-sized states preserve their autonomy. If ASEAN member states become over-reliant on China economically, China will play an even more dominant role and enhance its ability to block collective action within ASEAN on a host of strategic issues important to the United States.

The overarching goals of U.S. economic engagement with Southeast Asia are to promote long-term, sustainable U.S. growth by strengthening its ties to increasingly important markets and fostering the reform needed for open, strong economies in the region. A Sustainment framework allows the United States to confront the confidence deficit it faces in Southeast Asia, renew and advance regional relationships, and advance U.S. economic interests in a region that supports an increasing number of U.S. jobs. To strengthen economic ties to the region and foster the reforms needed for an open economic order, the United States should: (1) maintain support for regional integration; (2) strengthen trade partnerships in the region; and (3) prioritize sustainable environmental policies, development, and inclusivity.

"By urging these large and growing regional economies to further harmonize regulation and integration, the United States can promote lower transaction costs for all businesses and higher growth.”

Supporting Regional Integration

Regional Integration

Recommendation: Advance regional integration by using bilateral relationships to further AEC Blueprint goals such as the ASEAN Single Window and harmonized standards and quality assurance.

By encouraging regional economic integration, the United States can better promote sustainable growth and investment opportunities for U.S. businesses in Southeast Asia. In 2015, Southeast Asian nations launched the ASEAN Economic Community (AEC) and committed to regional economic integration, including the creation of a single market. The United States has sought to contribute to this effort through efforts such as U.S.-ASEAN Connect, which aims to “improve the policy and regulatory environment for growth, trade, innovation and investment supporting ASEAN Member States’ regional integration objectives.”

However, these top-down initiatives have faced challenges such as uneven awareness, little involvement from non-governmental and non-elite stakeholders, and a dearth of political will within ASEAN member nations to align national policies with regional strategies. While the United States should continue to promote regional economic integration through ASEAN, it should also leverage its bilateral economic partnerships with member states to advance harmonization. Since the United States is unlikely to lead efforts on a regional trade deal given its withdrawal from the TPP, it should

29 The AEC Blueprint can be found in Table 2 of the Appendix
instead work to create parallel structures with ASEAN member states on trade issues.

The AEC Blueprint contains a number of recommendations that overlap with the goals of the TPP. The United States should identify this common ground and bolster support to those AEC integration efforts in particular. For example, the ASEAN Single Window offers a strong opportunity to standardize processes across ASEAN member nations, and the United States should encourage countries not yet part of the window, like the Philippines, 31 to join. Additionally, the AEC Blueprint calls for integrated systems of standards, quality assurance, accreditation, and measurement. 32 This integration would make U.S. investment in the region easier and significantly lower transaction costs for U.S. companies. The United States should support AEC efforts to standardize these where possible. Encouraging regional efforts to strengthen intellectual property rights, data localization, and cross-border data flows is also crucial to the success of U.S. businesses operating in the region.

U.S. bilateral engagement with ASEAN member states on economic issues can also serve to reinforce multilateral economic integration. The Sustainment framework encourages the United States to return to a hub-and-spokes model for trade, where trade with the United States creates consistency across ASEAN member states. This will help create the foundation for increased regional integration. A hub-and-spokes model, however, must be accompanied by crucial structural reforms needed in the region, 33 thereby supporting U.S. business interests and demonstrating a continued U.S. economic presence in the region.

**Strengthening Bilateral Economic Partnerships**

While the domestic political climate makes a regional trade agreement unfeasible, the United States should not forfeit the accomplishments of the Pivot on integration efforts in multilateral fora on trade, nor should it abandon the high standards pushed in the TPP. As the global economy shifts east, the United States cannot afford to ignore Southeast Asia’s growing markets.

**Exploring Free Trade Agreements**

**Recommendation: Use TPP standards as a framework for bilateral trade agreements.**

The United States should use elements of the TPP to establish bilateral trade agreements on a

case-by-case basis. The focus of near-term efforts should be on Vietnam, widely considered the TPP member with the most to gain through the regional trade agreement. A proposal to start bilateral trade negotiations would go a long way in assuaging Vietnamese and regional fears of U.S. disengagement. APEC will be held in Vietnam in November 2017, providing an opportunity to officially announce the Office of the United States Trade Representative is beginning an exploratory FTA effort. Vietnam is already pursuing a free trade agreement with the European Union, and the prospect of increased market access to the United States could serve as the incentive to push for internal reforms that would protect U.S. business interests, and create a climate conducive to trade and investment.

“The TPP can be used as a framework to establish bilateral trade agreements on a case-by-case basis, and the United States should focus near-term efforts to do so on Vietnam.”

Identify Immediate-Term Priorities

Recommendation: Target immediate efforts to Indonesia, Malaysia, the Philippines, and Vietnam.

Four economies in particular can provide U.S. businesses with immediate investment opportunities. While the economies of Indonesia, Malaysia, and the Philippines are not as advanced as Singapore’s, their GDPs are relatively high for the region and their economies are steadily growing and diversifying. Indonesia’s President Joko Widodo is working to shift the country from a commodity market to a manufacturing center in part by increasing infrastructure spending to ensure supply routes and logistics. Aside from Singapore and Brunei, Malaysia has ASEAN’s highest GDP per capita at $9,768.30 in 2015, and growth has remained steady around 5% since 2011. The Philippines has a newly industrialized and robust economy that includes both state-owned and private enterprise, and is investing in strengthening its infrastructure. Vietnam has seen some of the fastest growing GDP per capita growth in the world, and prospects for Vietnam’s continued economic success are positive.

By encouraging investment now, U.S. businesses will be well-positioned to capitalize on future opportunities as these economies continue to grow and diversify. By urging these large and growing regional economies to further harmonize regulation and integration, the United States can promote lower transaction costs for all businesses and higher growth. In implementing the recommendation above on regional integration, these four countries represent the strongest opportunities and highest

chance of success, and should therefore be prioritized.

During this period, the United States should also work with Myanmar, Laos, and Cambodia to address infrastructure gaps, institute structural reforms to attract more foreign direct investment, and remove national trade barriers including non-tariff barriers, so that the United States can help build a region primed for U.S. investment.  

Though the TPP and bilateral free trade agreements are not politically desirable to many in the United States, carefully negotiated trade deals can benefit the overall U.S. economy and there are many opportunities for the United States to strengthen and expand economic ties to the region. U.S policies should also capitalize on high potential growth areas focusing on energy, and information and communication technology (ICT). These measures should be pursued on top of a recommitment to healthy trading partnerships with ASEAN member countries.

**Encourage Investment in Targeted Growth Sectors**

**Recommendation: Promote energy and ICT investment in the region to help U.S. businesses strengthen footholds.**

As Southeast Asia’s demand for power increases, investment in the region’s electricity sector is expected to grow. Electricity demand in the region is predicted to triple by 2040, and energy generation from renewable sources is expected to increase three and a half times in the same period. While demand for coal is expected to expand rapidly, the United States can encourage demand in the ASEAN region for natural gas and renewable energy. If these efforts are successful, U.S. businesses will find more opportunity in the region and be more competitive on the global stage.

“While demand for coal is expected to expand rapidly, the United States can encourage demand in the ASEAN region for natural gas and renewable energy.”

Though companies such as Exxon, BP, and Shell are typically identified as oil companies, in actuality they are diversified energy firms that profit heavily from natural gas and view it as a crucial growth sector. The United States can help Southeast Asia develop into a hub for U.S. exports of liquefied natural gas (LNG), by encouraging gas demand in the region. This will

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39 See Table 2 in the Appendix
not only serve U.S. economic interests, but also help the region meet its carbon emissions goals, given that current projections show increased coal use. To increase LNG import demand in Southeast Asia, the United States should increase financing for regasification terminal production and expansion in the region. In particular, focusing on mobile, floating LNG terminals could provide ASEAN’s developing nations with a flexible, cost-effective way to meet growing energy demands.\(^{44}\) Additionally, the United States should work to further the Trans-ASEAN Gas Pipeline (TAGP), which would encourage long-term natural gas use.\(^{45}\)

With regard to ICT, ASEAN countries currently comprise less than 1\% of the e-commerce market, with 88 million digital consumers.\(^{46}\) Meanwhile, online sales make up 8.4\% of retail sales in the United States, amounting to nearly $400 billion.\(^{47}\) Expanding U.S. efforts to bolster ASEAN’s ICT infrastructure will help U.S. businesses expand in the region as the number of online consumers grows. Not only does more ICT infrastructure mean more demand for U.S. technology goods and services, but a more connected ASEAN region can also more easily integrate into the global retail e-commerce market.

The United States is already working to increase opportunities for U.S. businesses and investment in the ICT sector, but it can do more. The U.S. government should expand technical assistance to ASEAN members to increase their cybersecurity and privacy frameworks in order to address the legitimate concerns that underlie data localization practices.\(^{48}\) Data localization requirements decrease overall U.S. investment by increasing costs for investors, leading to higher costs for ASEAN consumers and missed opportunities for U.S. businesses. Further, the United States should encourage ASEAN members to adopt the regional personal data protection principles being developed by Singapore.\(^{49}\) In building ASEAN members’ cybersecurity and privacy frameworks, the U.S. government will expand investment opportunities for U.S. businesses in some of the fastest growing economies in the world.


\(^{49}\) Ibid.
Prioritizing Sustainable Economic Growth, Environment, and Inclusivity

Long-term economic growth in Southeast Asia depends on: (1) environmentally sustainable management of the South China Sea fisheries and development of the Mekong River; and (2) the region’s ability to successfully incorporate women and youth into formal economies. Overfishing in the South China Sea and development along the Mekong River threatens the food security and livelihoods of hundreds of millions of people in the region. Should these resources collapse, regional stability will suffer, economic growth will be stunted, and U.S. investment opportunity will be limited. Additionally, Southeast Asian nations have struggled to provide women and youth with opportunities that would further spur the region’s economic growth. For instance, women-owned small and medium enterprises (SMEs) in Southeast Asia have difficulty obtaining financing and lack access to the networks and training needed for success, and youth face a dearth of education opportunities and high levels of unemployment. Addressing these issues would not only support sustained economic growth in the region, but would also improve human rights issues by decreasing incentives for forced labor and human trafficking, a topic we address in the human rights pillar of this report.

“Overfishing in the South China Sea and development along the Mekong River threaten the food security and livelihoods of hundreds of millions of people in the region.”

To encourage sustainable economic growth, the United States should seek to promote environmentally sound policies and advance economic opportunities for women and youth. To achieve this, the United States should: (1) work with ASEAN and its member states to elevate these issues on the agendas or regional fora; (2) deepen its investment in existing programs and efforts that seek to address these issues; and (3) identify opportunities for collaboration and new programs that further inclusivity and environmental sustainability. In doing this, the United States will strengthen its overall relationship with the region and will promote the long-term and sustainable development of a region increasingly important to U.S. businesses and markets.

Advancing Sustainable Environmental Policy

Recommendation: Elevate environmental sustainability at regional fora and assist with capacity building efforts in targeted countries.

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Strong environmental and development policies are crucial to sustainable long-term economic growth in Southeast Asia. The South China Sea and the Mekong River are two important regional resources where long-term development prospects are threatened. To safeguard these crucial resources the United States should: (1) elevate the threats to these resources and work with regional allies and partners to build consensus within regional fora; (2) identify and amplify sustainable development policy proposals and best practice guidelines that originate from the region; (3) assist with the implementation of best practices by increasing the capacity of targeted countries; and (4) seek new opportunities for collaboration on these challenges with regional partners and organizations.

First, as environmental issues are transnational, regional institutions like ASEAN play an important role in addressing them. Therefore, the United States should push for meaningful discussion on the sustainable use and development of the South China Sea fisheries and Mekong River in ASEAN fora and seek to build consensus and momentum around these issues. The United States should work to ensure that the South China Sea fisheries and Mekong River development are priority agenda items at both high- and mid-level meetings. In the upcoming year, President Trump may attend the U.S.-ASEAN summit and the EAS in the Philippines, as well as the APEC summit in Vietnam. At all three of these meetings, the United States should speak to the important role these crucial resources play in the region’s economic development, and highlight opportunities for safeguarding them.

Second, regional institutions have recognized the importance of sustainable development and sought to develop solutions. For instance, in the 1990’s ASEAN and the Council of Southeast Asian Fisheries Development Center (SEAFDEC) established a Fisheries Consultative Group (FCG) within ASEAN to investigate issues relating to the sustainable management of fisheries and develop guidelines and best practices for management. While the FCG has developed strong guidelines, they have not been implemented or adopted by member states. As part of the process of elevating environmental sustainability issues, the United States should highlight and support regional efforts to address these issues. This will help solicit regional buy-in and ensure productive collaboration.

Third, the United States can play an important role in ensuring that individual states are able to implement best practices by increasing the capacity of targeted states. For instance, several South China Sea claimant states struggle to prevent illegal unreported and unregulated fishing (IUUF) in their territorial waters and EEZs, which has a detrimental impact on the state of the South China Sea fisheries. As mentioned in the security pillar of this report, the United States should build on existing efforts to train and equip the coast guards of our regional partners, enhancing their ability to protect this vital living resource. The potential for cooperation with U.S. agencies with great technical capabilities, such as the National Oceanic and Atmospheric Administration (NOAA), should also be considered.

Fourth, the United States should seek to constructively collaborate with Chinese institutions such as the Asian Infrastructure Investment Bank (AIIB) on environmentally sustainable development. This could become the first step towards turning the negative narrative surrounding the U.S. towards the AIIB, and promote cooperation with China. By coordinating with partners and allies that have stakes in, or are members of, the AIIB, the United States can quietly help promote projects that safeguard resources. More visibly, the United States could provide additional funding resources and encourage the World Bank or Asian Development Bank to focus more on the environmental impact of major infrastructure projects in Southeast Asia. The United States can also explore financing to elevate projects originating in the U.S. Lower Mekong Initiative, thereby strengthening cooperation in this region and demonstrating consistent U.S. commitment.

**Promoting Inclusivity**

**Recommendation:** The United States should lead an effort to promote inclusive economic growth by creating a Millennium Challenge Corporation program, ASEAN Soars, targeted at women and youth in the region.

As the region’s economies shift from commodity exports and basic manufacturing to high-tech manufacturing and services, long-term prospects for sustainable growth will be dependent upon its ability to provide youth and women with education and entrepreneurship opportunities. Therefore, the United States should: (1) continue existing programs that promote inclusive economic growth and (2) initiate a region-wide program to foster inclusivity.

Under the Pivot, a number of programs were established to promote inclusive economic growth and development. These programs include the GREAT Women in ASEAN Initiative and the Young Southeast Asian Leaders Initiative. These programs advanced inclusive growth by offering more opportunities to women and youth and fostering the development of regional networks of entrepreneurs and businesses. The United States should remain committed to these important programs.

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In addition to continuing these targeted programs, the United States should also institute a regional program through the Millennium Challenge Corporation (MCC) targeted at women and youth. While the majority of MCC’s programs are country-specific, MCC’s Africa Promise initiative advances regional growth through the empowerment of youth and provides a precedent for engaging the entire Southeast Asian region. Similarly, the MCC could partner with ASEAN to initiate a new program that could be termed “U.S. ASEAN Soars,” which would promote regional and inclusive economic growth. In keeping with MCC’s priority sectors, ASEAN Soars would provide women and youth with educational and entrepreneurial opportunities, with a particular focus on agriculture and energy sectors. Additionally, the program would increase targeted opportunities for women-owned business in Southeast Asia, particularly in financing, training, and access to business networks, which will ensure that economic development is inclusive and therefore sustainable. Finally, the regional scope of the initiative will allow for the development of regional entrepreneurship training programs, which bring women and youth across borders together to foster strong networks.

PILLAR 3: SUSTAINABLY ADVANCING HUMAN RIGHTS

Human Rights in Southeast Asia: Goals and Overview

Human rights and democratic values have long been part of U.S. policy in Southeast Asia, and remain an essential component of any strategy for the region. During the Pivot, human rights and democracy generally took a backseat to security and economic issues, except in Myanmar, whose unexpected opening in 2011 allowed the United States an opportunity to advance these issues. A robust human rights framework will further U.S. security and economic policies, lower transaction costs, promote American values, and create new business opportunities.

“A robust human rights framework will further U.S. security and economic policies, lower transaction costs, and create new business opportunities.”

A Sustainment framework allows the United States to recommit to advancing human rights and democracy in Southeast Asia, which will in turn foster the stability needed to pursue security and economic goals. ‘The ASEAN Way,’ with its emphasis on consensus and non-interference, makes advancing a rights agenda sensitive and difficult, particularly given inconsistencies in past approaches and a mixed U.S. track record on rights issues. The tension between sovereignty and self-determination on the one hand and universal values on the other remains difficult to balance. This strategy promotes practical solutions to advance human rights in the region in four broad categories: (1) addressing humanitarian crises; (2) promoting political freedoms; (3) bolstering good governance and rule of law; and (4) advancing regional responses. Each category contains specific recommendations to address human rights problems affecting the region, such as the Rohingya crisis, human trafficking, or the drug trade.

In the near term, the United States should immediately prioritize the following recommendations: (1) address the Rohingya crisis in Myanmar; (2) strengthen civil society efforts; and (3) increase support for anti-drug efforts. These represent the most pressing rights issues in the region, and advance U.S. interests most clearly by supporting stability, conflict resolution, and open societies in Southeast Asia.

“The Rohingya crisis is the most pressing humanitarian issue in the region, and threatens the success of Myanmar’s democracy.”

Addressing Humanitarian Crises

Support for humanitarian crises across the region is critical to ensure that human rights are protected. Conflict, natural disasters, and extreme poverty all have enormous rights consequences and implications, and can result in refugee flows, exploitation, and marginalization. These all, in turn, drive state instability and reduce economic output. Addressing these crises will take an integrated approach that involves actors at every level: governments, the private sector, civil society, and international organizations.

Prioritize the Rohingya Crisis

Recommendation: The United States should address the Rohingya humanitarian crisis by more deeply binding U.S.-Myanmar ties to concerted steps by Myanmar’s government to deal with the crisis, including full humanitarian access.

Longstanding violence and persecution in Myanmar’s Rakhine state has given way to a desperate humanitarian crisis among the Rohingya people. Over 140,000 Rohingya Muslims remain in displacement camps in Rakhine State following the 2012 violence. Government security operations have also cut off aid access to many in Rakhine State, leaving some 130,000 people without food, water, and basic healthcare.

The United States should address the Rohingya humanitarian crisis by more deeply binding U.S.-Myanmar ties to concerted steps by Myanmar’s government to deal with the crisis and work to ensure that humanitarian access to the region remains open. Economic development efforts should include both Rakhine Buddhist and Muslim populations, and aid should be targeted for refugee camps both in Rakhine and neighboring countries. Finally, the conflict will never be fully resolved until the issue of statelessness among the Rohingya is addressed. The United States can lead efforts by convening a regional working group that seeks to enfranchise Rohingya Muslims.

In order to ensure the long-term success of Myanmar’s nascent democracy, the United States should support efforts to improve human rights for the Rohingya people, prioritize resolution of conflict in the border areas, invest in improved democratic institutions, and work with the international community to coordinate assistance efforts. The Rohingya crisis is the most pressing humanitarian issue in the region, and threatens the success of Myanmar’s democracy. Should the crisis worsen and the country destabilize, the significant U.S. efforts in Myanmar since 2011 will be wasted.

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Address Forced Labor and Human Trafficking

Recommendation: Continue strong regional efforts to address human trafficking by advancing transnational solutions.

Southeast Asia is home to over half of the world’s 21 million victims of forced labor.\(^{59}\) Further, 61\% of trafficked persons recorded in the region between 2012 and 2014 were trafficked for sexual exploitation, and sex tourism remains prevalent.\(^{60}\) While the entire region struggles with trafficking, Thailand, Malaysia and Myanmar’s anti-trafficking efforts were ranked the worst in the region in the 2016 Trafficking in Persons Report.\(^{61}\) The Rohingya and other ethnic minorities are particularly vulnerable.

U.S. support for efforts to combat trafficking and forced labor should operate within already-existing frameworks. The UN Convention Against Transnational Organized Crime already contains a Protocol to Prevent, Suppress and Punish Trafficking in Persons, which provides a structure for prosecution and victim assistance. Aid should be focused on capacity building to strengthen relatively weak prevention and prosecution efforts, support for civil society organizations focused on advocacy and services for victims of trafficking, and advancing transnational solutions to the issue. ASEAN already has an anti-trafficking convention, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, and plan of action,\(^{62}\) but it has yet to be ratified beyond Singapore, Cambodia, and Thailand.\(^{63}\) The United States and international organizations should pressure holdout states to ratify the convention, and provide support to implement the most pressing parts of the plan of action, particularly around rule of law, border control, and prosecution.

"The United States and international organizations should pressure holdout states to ratify the convention, and provide support to implement the most pressing parts of the plan of action, particularly around rule of law, border control, and prosecution.”

Like many other human rights concerns, human trafficking has links to other transnational issues. Thai fishermen, for example, have responded to depleted fish stocks by turning to smuggling and/or trafficking Rohingya migrants attempting to flee persecution.\(^{64}\) Thus, ensuring broad


economic growth, as described in Pillar 2 of this report, also supports the protection of human rights in the region. Finding economic alternatives will be crucial to ensure the success of anti-trafficking efforts, and the economic development strategies outlined earlier in this report should ensure that trafficking is less lucrative than other options.

Promoting and Protecting Political Freedoms

Political freedoms remain the most controversial part of any U.S. human rights strategy, given that a number of Southeast Asian nations remain autocracies or actively suppress opposition parties. The world is experiencing a surge of authoritarianism and a closing of democratic space that extends well beyond Southeast Asia; 2016 marked the 11th consecutive year of global decline in rights and civil liberties, according to Freedom House. In the long run, closing space for democratic engagement and political dialogue drives instability and fuels violence, undermining U.S. security and economic prosperity. Malaysia, Thailand, Vietnam, and Laos have all cracked down on political dissent, opposition parties, journalists, or activists in recent years, and none of the nations in Southeast Asia are rated as “free” in the 2017 “Freedom in the World” report. While democracy building will remain difficult, the United States can still encourage democratic values broadly by supporting space for civil society organizations and encouraging civic engagement and dialogue efforts and by focusing democracy-building efforts on Myanmar.

Preserving U.S. Support for Civil Society

Recommendation: In a time of likely cuts to foreign aid programs, civil society efforts represent the best avenue to advance democracy and freedoms in the region and should be preserved.

Funding for civil society could not be more urgent given the democratic backsliding across the region, including in Thailand, the Philippines, and Malaysia. U.S. efforts to advance democratic norms and institutions should focus on building capacity for civil society organizations to tackle local and regional issues. This not only falls in line with the Trump administration’s interest in shifting responsibility for domestic issues away from the United States, but also advances democratic norms, ensures inclusivity, and helps create networks to advance American values and solutions to critical issues.

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development/2015/jul/20/thai-fishing-industry-implicated-enslavement-deaths-rohingya.


66 Ibid.
Since many U.S. relationships in Southeast Asia remain politically sensitive, including with Thailand, Cambodia, and Philippines, civil society work is the best avenue to support democracy. U.S. funding for “Governance and Civil Society” programs in Southeast Asia totaled $89 million in FY2015, out of a total of $896 million for the Asia-Pacific region. Much of the funding in that category, however, went to government-led programs rather than efforts to strengthen civil society.

“...civil society work is the best avenue to support democracy...”

Given the relatively low cost burden of many of these programs, increased attention to strengthening civil society would go far to advance human rights in Southeast Asia. Further, this funding is heavily concentrated in Myanmar, Indonesia, and the Philippines, which collectively received $69 million of the $89 million total. Support for civil society in other Southeast Asian nations should therefore be increased, in particular Malaysia, which received only $2.5 million for government and civil society programs in FY 2015.67 Malaysia faces a host of challenges including corruption and weak institutions, yet has potential to be a stronger U.S. partner, given our strong military ties and recently upgraded relationship to a “Comprehensive Partnership.” Increased investment in civil society initiatives is a cost-effective way to strengthen U.S. ties across Malaysian society.

Space for political speech and media freedoms are particularly threatened across Southeast Asia, including in Myanmar, Thailand, and even Singapore. Through support for civil society organizations and rule of law programs, the United States can focus on increasing inclusivity in the political sphere, creating a level playing field under the law, and ensuring open access to information. Dialogues between opposition groups and government can also create space for increased democratic values, and the United States should continue to pressure Southeast Asian nations to respect free speech and activists in bilateral relations.

In the media sector, the United States can capitalize on advances in the internet media space, which has allowed more opening than the traditional print media given low barriers and increased anonymity. Efforts to build capacity for a strong, independent media sector should continue to take advantage of technology and increasing digital penetration in the region, and should also encourage stronger people-to-people links in order to provide training and support systems for Southeast Asian journalists on the ground.

Supporting Democracy in Myanmar

Recommendation: Support Myanmar’s nascent democracy through empowering the NLD in its governance efforts.

Myanmar’s nascent opening and transition away from a military junta to a civilian-led democracy represents the strongest advancement for democratic ideals in Southeast Asia in recent years. In order to ensure the sustainability of Myanmar’s fledgling democracy, the United States should work to support the recent transition by further empowering and assisting Aung San Suu Kyi’s National League of Democracy (NLD) in its governance efforts, promoting conflict resolution in Rakhine State and in other border conflicts, and advancing security sector reform to ensure that the military respects human rights.

“Myanmar’s nascent opening and transition away from a military junta to a civilian-led democracy represents the strongest advancement for democratic ideals in Southeast Asia in recent years...”

The United States and international organizations should clearly coordinate financial and technical assistance so as not to overwhelm the new government, but also ensure that economic development reaches the people quickly in order to create a stable, long-term foundation for democracy to thrive in Myanmar. To start, the United States should support the Asian Development Bank’s country strategy for Myanmar, which includes promoting human capital, linking Myanmar to regional and global economies, and promoting structural and institutional reforms.68

Bolstering Good Governance and Rule of Law Programs

Governance and rule of law issues are incredibly important to create enduring positive relationships between the United States and ASEAN member nations. Broadly, comprehensive programs to improve governance and rule of law through improved and equitable service delivery, financial management, revenue collection, and strengthened public institutions will advance human rights in Southeast Asia by creating enforceable and transparent systems on which all citizens can depend. In particular, research indicates strong links between state incomes and rule of law, particularly judicial independence

and effectiveness. Support to judicial reform and anticorruption programs will address a cross-cutting set of rights issues and help rectify some of the region’s most pressing governance gaps. While the United States should bolster its funding to address these issues, a host of multilateral and development organizations also work in this space. In a political climate where foreign aid budgets in the United States are likely to be cut, other organizations will have greater opportunities to have more impactful roles in these efforts.

Much of this work is already being done; governance efforts make up the bulk of the U.S.-sponsored “Government and Civil Society” programs, as mentioned below. Again, also, U.S. efforts are focused in Myanmar, Indonesia, and the Philippines. Programs like the “Strengthening Integrity and Accountability Program,” which is based in Indonesia and was funded for $2.4 million in FY 2015, could be replicated on a smaller scale in countries like Laos or Myanmar. Training and capacity building for judiciaries should have a particular focus on human trafficking and forced labor, in order to assist with government efforts to combat trafficking in persons.

**Counteracting Drug Trafficking and Abuse**

**Recommendation: Support sustainable counter-drug policies that respect human rights, particularly in the Philippines.**

Counter-drug policies are a critical part of regional governance. Drug production, trafficking, and abuse are prevalent in Southeast Asia, and affect U.S. regional political and economic interests. The prevalence of drugs in Southeast Asia has caused some governments, such as the Philippines and Thailand, to enact extreme “drug wars” to alleviate domestic anxieties about crime. The current drug war in the Philippines, for example, has resulted in more than 8,000 deaths since Duterte came into power in 2016, many in extrajudicial killings. Moreover, powerful criminal organizations have expanded their portfolios to include other crimes that violate human rights, including forced labor, sex trafficking, and violence.

Through international forums and bilateral cooperation, the United States should encourage countries in Southeast Asia to create sound policies that address drug abuse while respecting human rights. These policies should focus on the implementation of six internationally-accepted tools for curbing the drug trade, including (1) combating the production of drugs; (2) supporting efforts to interdict drugs; (3) suppressing transnational

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70 United States Agency for International Development, “Aid Dashboard.”
criminal organizations; (4) encouraging international cooperation; (5) supporting judicial reform and anti-corruption programs; and (6) assisting in reducing drug demand. These types of policies result in laying human rights and a victim-centered approach for drug addicts as a foundation for the development of effective counter-drug policy. The United States should prioritize the Philippines in these efforts and encourage President Duterte to redirect his violent drug war to more productive counterdrug policies that support human rights. The United States should also work closely with Myanmar to curb drug production in the region, as Myanmar continues to serve as the region’s main supplier of drugs. As the United States works alongside Southeast Asian nations to curb drug demand, a relationship will be established that counters a major security issue, supports an environment for human rights, and creates connections that can transfer to other areas key to U.S. interests.

**Promoting Transitional Justice Efforts**

**Recommendation:** Support truth and reconciliation processes to spur stronger, more inclusive, and more accountable political systems in the region.

Many Southeast Asian nations also still grapple with the effects of past atrocities and violence; for example, the 1965-66 killings in Indonesia left between 500,000 and 1 million dead at the hands of the armed forces, paramilitaries, and religious groups. Support for restorative and transitional justice efforts, especially in Indonesia, Vietnam, the Philippines, Cambodia, and southern Thailand will help bring communities together, address longstanding grievances, and advance inclusive governance.

Truth and reconciliation processes are a good first step: they signal a clear departure from previous violence or injustice, building legitimacy for governments and help communities overcome conflict, and often truth commissions make recommendations for much-needed reforms to support inclusive governance practices. The U.S. government can also support recovery efforts for bodies that have yet to be uncovered or retrieved, not only to help Southeast Asian nations cope with mass violence, but also because increased infrastructure investment and economic development efforts will come into contact with sites of mass violence. Strengthening transitional justice processes in Southeast Asia will not only heal past wounds but also spur stronger, more inclusive, and more accountable political systems that ultimately benefit the region at large.

“Southeast Asia faces human rights issues that spill across borders and then in turn affect one another...”

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Empowering Regional Responses

In addition to the recommendations above, there are two crucial regional partners that the United States must make sure to partner with: ASEAN and the private sector. Southeast Asia faces human rights issues that spill across borders and then in turn affect one another: the Rohingya Crisis, for example, has led to increased numbers of Rohingya Muslims being trafficked to other Southeast Asian countries like Malaysia. It is profoundly in the interests of the region to address these issues as a bloc where possible and strengthen the capacity of regional efforts. These issues are too big and too difficult for each nation to go it alone.

Strengthening Cross-Border Efforts to Address Rights Issues

Recommendation: Build ASEAN capacity to address rights issues collectively by supporting the ASEAN Intergovernmental Commission on Human Rights.

Where possible, the United States can support ASEAN’s collective efforts and capacity to advance solutions for human rights issues in the region. Investing in cross-border cooperation on border control and maritime security will assist with efforts to combat drug trafficking and trafficking in persons. The United States should also support the efforts of the ASEAN Intergovernmental Commission on Human Rights (AICHR), part of the ASEAN Secretariat. ASEAN’s Secretariat is relatively weak compared to other intergovernmental organizations, and so strengthening its capacity to address rights issues is a crucial step towards a more integrated and collaborative region in the long run. The United States can also encourage multilateral discussion of rights issues such as the Rohingya, trafficking in persons, and other transnational concerns by ensuring they are on the agenda and discussed seriously at venues like the ASEAN Regional Forum, the EAS, and other important regional meetings. Where regional plans already exist, the United States can also provide support and pressure governments to implement these plans.

Private Sector Human Rights Allies

Recommendation: Recruit private sector partners willing to lead on human rights issues and amplify their voices by increasing their representation and leadership at regional fora.

The United States should focus increasingly on partnerships with U.S. companies to ensure that their activities and value chains respect human rights and that they commit to minimizing environmental impact. The United States should amplify private sector voices committed to advancing human rights, which often carry significant weight in countries looking to attract foreign investors. Cooperation with the private sector, including businesses, trade organizations, and non-governmental organizations, can improve all the rights issues. Providing support on best practices for labor rights, supply chains, and industries like fishing, garment, and technology manufacturing is a good first step to advance a more grassroots approach to human rights. Promoting the private sector perspective on human rights at regional fora and bilateral meetings will also encourage Southeast Asian nations to take rights issues more seriously.
CONCLUSION

The previous recommendations reflect a new framework for U.S. statecraft in Southeast Asia. With crises from Syria to the Korean peninsula, this approach aims to clarify and sustain U.S. presence and purpose in the region. It aims to address perceived weaknesses of past U.S. policies in the region.

To promote U.S. security interests in Southeast Asia, Sustainment builds upon the Pivot’s efforts to elevate U.S. interests in the South China Sea and diversify its military posture. But it requires a pronounced shift in certain areas. It begins by recommending a new approach to the way the United States views its oldest allies in the region, Thailand and the Philippines, and suggests actions that clearly signal their strategic and enduring importance to American interests. The policy sustains the existing efforts to reinforce international maritime rule of law, but broadens the concept of security issues to address both the causes and symptoms of the region’s insecurity, such as food security and the sustainable and equitable management of the region’s natural resources. Sustainment maintains long-standing counterterrorism support for regional partners as they cope with the newest iteration of a persistent threat.

Without a focused U.S. economic policy in the region, the United States economy will suffer. Sustainment proposes a new way forward with TPP off the table. The strategy continues efforts to strengthen regional integration and bilateral economic partnerships. Unlike the Pivot, it prioritizes economic growth that is both inclusive and environmentally sustainable. The Trump administration should deploy strong tools of economic statecraft in Southeast Asia in order to advance U.S. economic interests, and therefore the policy encourages the promotion of U.S. investments in high-growth areas such as energy and ICT. Sustainment also seeks to set rules and norms guiding economic growth, and find areas of cooperation with China.

The Sustainment policy in Southeast Asia sets forth a more robust human rights framework to further U.S. security and economic policies, lower transaction costs, and create new business opportunities. The framework allows the United States to recommit to advancing human rights and democracy in Southeast Asia, which will in turn foster the stability needed to pursue security and economic goals. This strategy promotes practical solutions to advance human rights in the region, particularly around four focus areas: (1) addressing humanitarian crises; (2) promoting political freedoms; (3) bolstering good governance and rule of law; and (4) advancing regional responses.

In deference to the larger global challenges presented by China’s rise and the possibility of hegemony and even global conflict, the United States should pursue Sustainment to clearly signal its intention to sustain a strong, positive presence both militarily and economically in Southeast Asia. Much like the Pivot, the policy will seek to foster productive relationships with individual Southeast Asian nations and multilateral institutions, namely ASEAN. By focusing on cultivating a stronger, more sustainable community in Southeast Asia, the United States will maintain the rules and norms needed to create a peaceful and prosperous Asia at large. Ultimately, enduring, positive relationships forge the path for a more stable
Asia. The challenges are numerous, but this is a region brimming with opportunity. To remain competitive and retain its role as a global leader, the United States needs to adjust its framework, building on previous iterations of a policy of engagement with Southeast Asia to focus on sustainability.

“With Sustainment in place, the U.S. government gains from the pre-existing framework of the Pivot while being able to overcome crises of confidence by launching new initiatives with a fresh, new mindset.”

Sustainment offers U.S. policymakers options and opportunities in a rapidly changing environment. Above all, it establishes the United States’ forward role as a stakeholder to the well-being of the region. With Sustainment in place, the U.S. government gains from the pre-existing framework of the Pivot while being able to overcome crises of confidence by launching new initiatives with a fresh, new mindset. As a policy posture that can draw together past successes and move forward, Sustainment in Southeast Asia can both advance U.S. interests in the region and ensure regional equilibrium for preserving individual autonomy, effective intra-ASEAN cooperation on transnational issues, more robust trade and economies, and strong human rights frameworks.
BIBLIOGRAPHY


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Table 1

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APPENDIX
| Trade in Goods | ● Simplify and Strengthen the Implementation of the Rules of Origin (ROO)  
● Streamline and simplify administrative regulatory regimes, documentary requirements, as well as import and export procedures, including customs procedures  
● Minimize trade protection and compliance costs in dealing with Non-Tariff Measures (NTMs) |
| Strengthening Intellectual Property Rights Cooperation | ● Strengthen IP offices and build IP Infrastructure  
● Develop regional IP platforms and infrastructure  
● Expand the ASEAN IP Ecosystem  
● Enhance regional mechanisms |
| Sustainable Economic Development | ● Foster policies supportive of renewable energy and set collective targets accordingly  
● Develop a framework to support the deployment and utilization of efficient and low carbon technologies  
● Enhance connectivity within ASEAN, including through multilateral electricity trade under the framework of the ASEAN Power Grid (APG) and greater liquefied natural gas (LNG) cooperation under the Trans-ASEAN Gas Pipeline (TAGP) |
| Information and Communications Technology | ● Explore the further utilization and coordination of ICT for economic development and promote digital trade in ASEAN  
● Explore new ways to enhance Internet broadband penetration and affordability in ASEAN  
● Promote the freer flow of ICT products, services and investment in the region as well as the lowering of international mobile roaming charges in ASEAN |
| E-Commerce | ● Harmonize consumer rights and protection laws  
● Coherent and comprehensive framework for personal data protection |
| Energy | ● Trans-ASEAN Gas Pipeline (TAGP): Enhance connectivity within ASEAN for energy security and accessibility via pipelines and regasification terminals  
● Coal and Clean Coal Technology: Enhance the image of coal in ASEAN through promotion of clean coal technologies (CCT) as well as increase in the number of CCT projects by 2020  
● Civilian Nuclear Energy: Build capabilities on nuclear energy, including nuclear regulatory systems, amongst officials in ASEAN Member States |
| Strengthening the Role of Micro, Small, and Medium Enterprises | ● Increase access to finance  
● Enhance market access and internationalization  
● Enhance MSME policy and regulatory environment  
● Promote entrepreneurship and human capital development by creating a more conducive environment for entrepreneurship |

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76 “ASEAN Economic Community Blueprint 2025,” The ASEAN Secretariat.