EXECUTIVE SUMMARY

On the eve of Laos taking over the Association of Southeast Asian Nations (ASEAN) chairmanship from Malaysia in January 2016 under its slogan of “Turning vision into reality for a dynamic ASEAN Community,” this off-the-record symposium discussed U.S.-ASEAN relations and issues facing ASEAN during the year, with particular attention given to Mekong River Basin cooperation. The event was enriched by the active participation of the Embassy of the Lao People’s Democratic Republic in Washington, U.S. Government officials, and a wide range of academic, think tank and private sector experts. About 68 participants took part in the day long symposium. The ASEAN Political-Security Community (APSC) panel examined U.S.-ASEAN-East Asia Summit (EAS) perspectives on Laos and its role in the regional geo-strategic and political context as it becomes the ASEAN chair for 2016. The ASEAN Economic Community (AEC) panel evaluated U.S.-ASEAN-EAS cooperation in narrowing the developmental gap between Laos and the other ASEAN member states through the ASEAN Economic Community (AEC), the Regional Comprehensive Economic Partnership (RCEP), the Lower Mekong Initiative (LMI), and other measures aimed at building economic resilience, managing climate change and promoting food, energy, water security and other transnational
issues in the Mekong River Basin. The final panel, on the ASEAN Social-Cultural Community (ASCC), discussed U.S.-ASEAN-Laos cooperation aimed at broadening the engagement of ASEAN publics through government-to-government initiatives as well as people-to-people exchanges in such areas as education, civil society, and democratic institution building.

At the U.S.-ASEAN Summit in November 2015, Washington upgraded U.S.-ASEAN cooperation to a Strategic Partnership, thus raising new expectations for U.S.-ASEAN cooperation under Laos’ chairmanship, especially in addressing issues pertaining to climate change, human rights and democracy promotion, transnational refugees and migrant labor flows, countering violent extremism, such as the Islamic State in Syria and the Levant (ISIL), and managing China’s rise in the region.

The Lao government speakers emphasized that they recognize the challenges and opportunities of being the 2016 ASEAN chair under the upgraded partnership. They look forward to using the opportunity to showcase their country on the world stage and strengthen U.S.-Laos relations through President Barack Obama’s visit to Vientiane in the fall of 2016 to attend the U.S.-ASEAN Summit and East Asia Summit and the ASEAN leaders’ attendance at the February 15-16 U.S.-ASEAN summit in Sunnylands, California. Substantively, Laos wants (1) to build on the work of previous ASEAN chair Malaysia in launching the ASEAN Community at the end of 2015, (2) to lead the member states in crafting moderate consensus language regarding South China Sea (SCS) issues in the final U.S.-ASEAN and EAS communiques, and (3) to draw attention to the needs of Laos and other ASEAN less developed countries (LDCs) in closing the development gap within ASEAN.

The U.S. and other panelists stated their priorities for Laos during 2016. They include (1) to help Laos to handle its heavy conferencing and other logistical burdens as ASEAN chair to ensure a smoothly-running summit, (2) to encourage it to give approval for the ASEAN People’s Forum (APF) to meet under its auspices in a nearby country if not in Laos itself, and (3) to reconsider its emphasis on building large dams in favor of smaller ones that will not create such severe environmental risks and endanger the livelihood of populations in the lower Mekong basin. It was generally agreed that Laos’ year as ASEAN chair may prove a decisive factor in demonstrating that it can both benefit from its relationship with China and also stride proudly forward as an integral part of the ASEAN community.

Considerable attention was given to China’s intentions and emphasis on strengthening relations with ASEAN nations in mainland Southeast Asia. Though all countries in the region hope to benefit from the expected largess of the China-sponsored Asian Infrastructure Investment Bank (AIIB), the One Belt One Road and Maritime Silk Road Initiative, and newly announced Lancang-Mekong Cooperation (LMC) as Beijing’s framework for promoting broader Mekong development, it was generally agreed that all those initiatives would add even more resources and activity to a region that needs assistance from all quarters. Though there will inevitably be some competition between the U.S. LMI and Chinese LMC initiatives, no South China Sea-level friction is anticipated.

Several important concerns were raised at the symposium: (1) that many ASEAN countries still lack the political will to implement the economic reforms to realize the AEC’s lofty goals; (2)
that current political trends in the region, where a number of governments are wielding authoritarian power and appealing to narrow nationalist policies, are undermining progress toward greater democracy and attention to human rights – despite the impressive strides being made in Burma/Myanmar; (3) that among the ASEAN countries Indonesia seems to be pulling back from its former willingness to take leadership positions; (4) that progress toward achieving a Code of Conduct (COC) on the South China Sea appears to be unrealizable in the near term; and (5) that ASEAN’s failure thus far to vigorously implement its “single window” and other liberalization and harmonization policies to facilitate region-based investments is threatening to further reduce its member countries’ competitiveness in securing greater economic engagement from major global enterprises.

SYMPOSIUM HIGHLIGHTS AND POLICY RECOMMENDTIONS

1. 2016 will be a critical year for U.S.-ASEAN relations. With U.S. presidential elections and a new president, ASEAN needs to actively demonstrate constructive commitment to the relationship to get bipartisan U.S. support to keep the rebalance strategy on track.

2. Assistance to Laos as ASEAN chair by the U.S. and others is essential not only for smooth short-term management of 2016 activities but also to build capacities and full recognition of benefits it will accrue from closer integration with its ASEAN neighbors at a time that China’s presence in the country is increasing exponentially.

3. U.S. economic initiatives under the Trans-Pacific Partnership (TPP) and China’s trade and economic initiatives –AIIB, One Belt One Road, Maritime Silk Road, Lancang-Mekong Cooperation – will create both new opportunities and challenges for ASEAN, with China focusing on infrastructure projects and the U.S. emphasizing capacity building and environmental security. The U.S. essentially sees China’s LMC as a win-win proposition that will narrow the development gap in ASEAN. However, while the region will benefit overall from higher levels of U.S. and Chinese investments, those initiatives might be divisive. ASEAN countries participating in the TPP – Brunei, Malaysia, Vietnam and Singapore – are likely to move closer to the U.S., as compared with other ASEAN countries receiving greater Chinese investments, such as Laos, Cambodia, Burma/Myanmar.

4. Laos will need to provide careful leadership in building consensus when handling South China Sea issues and not allow China to employ the “divide and rule” strategy that undermined Cambodia’s 2012 ASEAN chairmanship.

5. While it will be difficult for ASEAN to meet U.S. strategic expectations in the South China Sea and Mekong region given China’s assertive behavior, as well as divisions within ASEAN (claimant and non-claimant maritime countries, and maritime versus Mekong countries) and a general trend in the region of political leaders focusing on their own domestic concerns, ASEAN should avoid divisive controversies in the face of U.S. and Chinese strategic and economic strategies that promise substantial benefits but also could divide ASEAN members with different interests in the South China Sea and the Mekong region.
6. Though deserving of praise for its useful attention to traditional and non-traditional security issues affecting the region, the ASEAN Political-Security Community is regrettably far from meeting its political goals relating to democracy, human rights, good governance, and fighting corruption. Laos as the 2016 ASEAN chair can contribute positively to the “political” side of the APSC’s agenda, as well as to overall U.S.-ASEAN relations, by allowing the ASEAN People’s Forum to meet under its auspices.

7. The U.S. should make democracy and human rights promotion a key objective in the U.S.-ASEAN Strategic Partnership. Non-governmental Track 2 dialogue and people-to-people exchanges should be expanded to facilitate activities between non-state actors in ASEAN to advance democracy, human rights, and good governance in their respective countries. The recent political opening in Burma/Myanmar demonstrates a widespread desire to move in that direction. Without U.S. support for democratic values and institutions in the authoritarian Mekong countries, and other countries such as Thailand and Malaysia that have witnessed democratic setbacks, a people-centered ASEAN will not be realized.

8. Increased U.S. and China strategic competition and tensions in the South China Sea might result in ASEAN losing its centrality as the driver of regional cooperation. To avoid this, ASEAN needs to utilize the EAS more effectively as the key vehicle to engage the U.S., China, Japan, Australia and India in coming up with common strategies to address regional challenges pertaining to climate change, environmental security, maritime security, transnational refugees and migrant labor flows, and countering violent extremism in the region.

9. The ASEAN-China Code of Conduct for the South China Sea should be expanded into an EAS maritime agreement for ASEAN and its EAS partners governing not only the South China Sea but also the strategic waterways in the Straits of Malacca and the Indian Ocean, where all EAS countries all have commercial and security interests.

10. ASEAN member countries should be reminded that U.S. and other international firms are holding back on major new investments until they see whether the launching of the AEC in 2016 will bring progress on key initiatives – notably the “single window” – that will enable them to make investments that can enjoy harmonized and standardized treatment throughout the region.

11. The Trans-Pacific Partnership is spurring a new and positive conversation within ASEAN about models and specifics for trade liberalization. The conversation is particularly valuable for middle-income countries. With four of ASEAN’s ten countries in the TPP and committed to high standard disciplines related to customs and trade facilitation, it may prove a catalyst in motivating Thailand, Indonesia and the Philippines to join the trade pact.

12. The U.S. should give special attention to partnering with Indonesia on initiatives drawing that country back into closer participation in ASEAN deliberations and activities for which its leadership is needed.
SYMPOSIUM PROCEEDINGS

Welcome remarks

In welcoming the symposium participants, the chair of American University’s ASEAN Studies Initiative Dr. Amitav Acharya stressed that 2016 will be a critical year for ASEAN. Though the ASEAN Community has just been formally established, its goals have not been entirely realized and resolution of implementation issues will be of great concern. In addition, ASEAN’s handling of South China Sea issues will be a major challenge, with the world anxiously watching to see if ASEAN can make progress on a code of conduct acceptable to China as well as to all the ASEAN member countries. Mekong River cooperation, with China as well as among the ASEAN riparian states, is also a major economic and security issue facing the region.

In his formal remarks on behalf of the School of International Service (SIS), former SIS Dean Dr. Louis Goodman said that SIS takes particular pride in hosting this symposium, because it addresses the School’s core value of seeking non-military ways to resolve conflicts. That value, established when it was founded in 1957 at the suggestion of then President Dwight Eisenhower, is compatible with “the ASEAN way” of consensual decision making in addressing the many social, economic, and political issues on its current agenda.

Opening remarks by senior Lao Government official, His Excellency, the Ambassador of Laos

The ambassador began his formal remarks by expressing his pleasure that this important symposium afforded an excellent opportunity for exchanging views on important subjects such as collaborative efforts between Laos and the U.S., ASEAN-U.S. cooperation, and ASEAN’s processes and mechanisms following the establishment of the ASEAN Community in December 2015. He thanked Malaysia for its excellent work as 2015 ASEAN chair in building a solid foundation for ASEAN cooperation, particularly within the pillar of the ASEAN Economic Community. He said that it is a great honor for Laos to assume the ASEAN chairmanship in 2016, as that will be the first year of the implementation of the “ASEAN Community Vision 2025.” He also looked forward to receiving the support of the U.S. and ASEAN’s EAS partners – including the private sector – to ensure a successful 2016 chairmanship, while continuing to promote ASEAN’s external cooperation, enhancing ASEAN centrality, and contributing to the common cause of peace and stability in the world.

Regarding the Lower Mekong Initiative (LMI), Laos is pleased to note the progress made to date on the LMI plan of action. Within the LMI’s six priority pillars, connectivity is especially important to Laos. Under that pillar, Laos has participated in numerous Third Country Training Program projects with the U.S. Army Corp of Engineers, notably one on road maintenance and repair. Others have focused on investment and trade promotion, trade facilitation, commercial law, development programs, public procurement, and public private partnerships. He concluded by expressing his pleasure that this symposium will afford many opportunities for sharing views on the best practices for ASEAN moving forward.
Opening remarks by senior State Department official

The senior U.S. official stressed that the relationship between the U.S. and ASEAN is as good now as it has ever been, especially since just ten days earlier at the November summit in Kuala Lumpur the relations had been officially raised to the strategic partnership level. Though the U.S. and ASEAN will always have cultural differences to work out, for the U.S. the word “strategic” means that there is a mutual commitment to achieve specific practical objectives, “to do things.” In February 2016 there will be an opportunity for the ASEAN leaders to get together in the U.S. to work out details to put flesh on the bones of the partnership.

As incoming ASEAN chair, Laos faces a year of opportunity and demanding challenges. Maritime issues are dominating the agenda, but the single ASEAN landlocked country is taking the lead. In recent years, the chair has found the issue of the South China Sea to be especially challenging, not just because of outside actors (U.S., China, Japan, Australia), but also because of the differing views on this issue within ASEAN. Finding ways to keep everyone satisfied to the point where at a minimum, a meaningful consensus document can be produced, will be a big challenge. The official emphasized that it is in the U.S. interest that ASEAN under Laos’ leadership has a successful year and pledged to do everything possible to assist Laos. The U.S. has identified monetary assistance and capacity building on subjects such as coordinating large meetings, drafting chair statements, and English language training, in much the same way it had helped Burma/Myanmar when it was the 2014 ASEAN chair.

Comparing the Lower Mekong Initiative, to which the U.S. has given strong support, and China’s recently announced Lancang-Mekong Cooperation, the official said that while the LMC is likely to have more money behind it, the LMI is unique in forging real partnership, with the ASEAN member countries identifying priorities based on specific programming needs. Over time, the connectivity pillar, driven by Laos, has developed to the point where it is the LMI’s most comprehensive and successful pillar.

Questions and comments from participants

In response to a question about the relationship of the LMI to the Asian Development Bank (ADB) and its focus on the Greater Mekong Subregion (GMS), the U.S. official said that the needs are significant and there is plenty of room for many contributing players. What the U.S. brings to the table through the LMI is development of human capital and technical assistance. The ADB provides capital for specific projects. It is a different kind of assistance, but complementary to the LMI. The Lao ambassador added that some countries like Korea and Japan have expressed increased interest in joining cooperative efforts in the GMS.

The next questioner asked the Lao ambassador about the intentions of Laos as 2016 ASEAN chair regarding a Code of Conduct (COC) for the South China Sea and concerns of lower Mekong River countries about dam building in upper countries, including Laos. He said that the COC is the subject of ongoing discussion between ASEAN and China, with no expectation that much can be done about it at this moment. Recognizing that the problem is a long-term one, Laos will encourage the states to work together. On the question about dams, he continued, it is not fair for people to ask Laos not to build electricity-producing dams along the 1,800 kilometers
that the Mekong runs through its territory since such dams are important for the country’s development. The U.S. has 2,500 dams, but Lao has only 20 and is land-locked. It has to use what it can to develop its economy.

**Session I: “ASEAN Political-Security Community: U.S., ASEAN, and EAS Perspectives on the regional political-security context as Laos assumes the mantle of ASEAN Chair, with particular attention to the Mekong River Basin”**

In setting the stage for the panel discussion, the session’s chair emphasized that political and security affairs in ASEAN will inevitably be high on the 2016 agenda. Specifically, as ASEAN chair Laos will need to contend with two important political security issues: those affecting Mekong riparian states and the South China Sea.

The first panelist, providing a Lao perspective began by stating that financial downturns, climate change, terrorism and extremism, droughts, natural disasters, and endemic diseases continue to pose serious threats to peace, stability and cooperation in the region and the world at large. Under the threats of violent extremism and radicalism, ASEAN continues its efforts to maintain a peaceful and stable environment that is essential for the growth of the AEC and regional integration. Countries of the region are aware of new uncertainties and challenges, particularly the shifting power relations and rivalry among major powers. ASEAN security must remain the core of the broader regional security architecture. ASEAN member countries are working towards a norms-based and rules-based regional architecture that places importance on outward looking cooperation. In that context, they appreciate support from other partners and friends for their community building efforts, which contribute to regional peace and stability. In particular the countries are pleased with increasing U.S. engagement with ASEAN and its support for community building efforts. ASEAN and the U.S. have enjoyed increasingly positive and fruitful cooperation leading up to the agreement by the leaders to elevate U.S.-ASEAN relations to a strategic partnership level. The ASEAN-U.S. Summit in February 2016 in California will provide a good opportunity for laying a foundation to deepen cooperation in coming years. The panelist concluded by pointing out that the EAS has become a successful forum for promoting mutual trust and understanding and making significant contributions to regional peace and prosperity. ASEAN countries hope that as a leaders-led forum now marking its 10th anniversary, the EAS will be able to translate the specific goals of its joint declaration into effective action.

The second panelist said that the 2016 ASEAN theme chosen by Laos, “Turning vision into reality for a dynamic ASEAN Community,” is a refreshing change from themes of past years. Those tended to resemble the lofty sentiments of Hallmark cards, while ASEAN needs not only visions but also pathways showing how they are to be realized. It is also important, the panelist continued, to recognize that we should not expect too much of the ASEAN chair. ASEAN is not wired for strong leadership and the ASEAN Way and the consensus it requires have historically proven barriers to quick and united action. We all need a reality check when it comes to transforming ASEAN’s visions into reality. Another factor making it hard for ASEAN member countries to think about cooperative solutions is the current difficult political climate in Southeast Asia, which is forcing many countries – including Burma/Myanmar, Malaysia, the Philippines, and Thailand – to concentrate on domestic issues. Among the major security issues facing ASEAN in 2016 the two that stand out are those related to the South China Sea and ISIL.
Though both are of concern to the entire region, ASEAN’s attention to each of them is driven by a somewhat different subset of its member states. ASEAN remains divided on South China Sea issues, while on ISIL, Malaysia and Indonesia are the major players. Being 2016 ASEAN chair will present both advantages and disadvantages for Laos. The difficulties are primarily logistical: ASEAN is much more complicated than it was in 2004, the last time Laos was ASEAN chair. There are many more meetings now, with larger numbers of participants, and the meetings attract much more international attention. On the plus side, Laos has had more experience dealing with great powers. It will probably be able to ameliorate any internal ASEAN squabbles and will enjoy an unprecedented opportunity to promote U.S.-Lao relations in the context of the first visit to Laos of a sitting U.S. President. Such opportunities to capture the attention of American media and policy circles do not come around often. The best contribution that Laos specifically can make as chair would be to act as an insistent, firm voice drawing attention to conditions in Southeast Asian less developed countries. Legislation introduced in Congress to give trade benefits to Asian LDCs has twice failed to pass. However, the effort is worth trying again, especially at a time when the U.S. has committed itself to narrowing the economic development gap in ASEAN and Congress is considering the Trans-Pacific Partnership (TPP) agreement, which will include Brunei, Malaysia, Singapore and Vietnam, but for which ASEAN LDCs Cambodia, Laos and Burma/Myanmar are not even eligible.

The next panelist began by asking participants to focus on “the two elephants in the room.” The first is one of “bandwidth”: how can Laos arrange all those meetings and host President Obama? It is a very complicated and difficult task, especially because of the paucity of hotel rooms in Vientiane, but the panelist predicted that Laos will probably be able to meet the challenge and perform well, as Burma/Myanmar did in 2014. The second issue is handling the South China Sea issue. Here again, Laos can be expected to perform well, at least to avoid the kind of schism that occurred during Cambodia’s 2012 chairmanship. The second looming issue is Laos’s decision not to host the ASEAN People’s Forum NGO meeting because of concerns about criticisms voiced by participating civil society activists. It is not clear what will happen with the ASEAN Inter-Parliamentary Assembly (AIPA) and the ASEAN Intergovernmental Commission on Human Rights (AICHR), also scheduled to meet during the year of the Laos chairmanship. As for U.S.- Laos relations, they are in a very different place than in previous years, with both trying to improve the relationship. The U.S. played a major role in Laos being able to join the World Trade Organization (WTO), and they have begun a new nutrition program and an UXO (unexploded ordnance) program. Though the ASEAN Secretariat declared that the ASEAN Political-Security Community had been 95% achieved, that mark appears to have been a case of “grade inflation” given the fact that the November statement by the APSC made no mention of once high-priority objectives in its “blueprint” such as strengthening democracy, promoting human rights and good governance, and combatting corruption. In addition to having to address South China Sea issues, Laos will be faced with addressing the angst of downstream member states concerned by its dam building on the Mekong River. The issue of counter-terrorism will also be on the table, not only in the context of Indonesian and Malaysian recruits joining ISIL but also with respect to its influence spreading from Bangladesh into the Rohingya areas of Burma/Myanmar. The panelist wound up by adding climate change to complete this list of daunting challenges facing Laos while it is in the spotlight as 2016 ASEAN chair.
The next panelist added a Chinese perspective on China’s political, economic, and environment impacts in Southeast Asia, especially in the Lower Mekong region. The focus was on China’s strategic design and development plans in the context of its Belt and Road initiative, with emphasis on the Greater Mekong Subregion (GMS) framework and the role of Laos in China’s planning. Despite new mechanisms such as the Lancang-Mekong Initiative, China still attaches great importance to the GMS framework that was initiated by the ADB in 1992 to promote economic cooperation as a means for providing technical and financial assistance. There are significant differences between China’s cooperation with ASEAN as a whole and in GMS, as the latter is led by local Chinese provincial leaders in Yunnan and Guangxi. China announced the One Belt and Road initiative in 2013, and the Mekong region is defined as a hub for China (especially Yunnan province) to expand its international transportation network. The LMC mechanism represents a new landmark in China’s relationship with ASEAN. China is the grouping’s largest trading partner and highest source of foreign direct investment in Laos, Cambodia and Burma/Myanmar. In addition, these Mekong countries do not have the same South China Sea problem as other countries in the region, so they are less critical of China on this issue. Most Mekong countries, especially the LDCs, put priority emphasis on economic cooperation with China and hope to benefit from China’s infrastructure projects throughout the region. China has several priority areas in development planning regarding Southeast Asia, notably, the Trans-Asia Railway Network. In planning for this, there were initially three options: (1) A Western route from Kunming to the Bay of Bengal via Myanmar; (2) an Eastern route from Kunming to Ho Chi Minh City via Vietnam; and (3) a Central route going south via Laos. The Western and Eastern options were abandoned because of the deteriorating relationship between China and Vietnam and problems in relations between Myanmar and China. However, the Central route starting with the Sino-Laos railway project has been signed and construction has begun. China’s Export-Import bank is responsible for financing this project and Chinese companies will be responsible for its construction. The negotiation of the project took nine years for several reasons: corruption by the former Chinese railway minister, difficulties in bilateral negotiations on each country’s financial contribution to the project, and land acquisition concerns. Similar problems have existed for the China-Thailand railway network. The MOU was signed last year, but the construction has been delayed multiple times after eight rounds of negotiations. The most contentious issue is the interest rate of Chinese loans: Chinese insisted on 2.5%, but Thailand wanted a 2% interest rate. Beijing, however, seems confident that the project will proceed. The importance attached to these railway projects through Laos and Thailand reflects a strategic reorientation in China’s policy towards mainland Southeast Asia, aimed at projecting the image of a benevolent China. China believes that Myanmar and Vietnam have major uncertainties about their relationships with China, while Laos, Cambodia, and Thailand have far fewer concerns. China has assisted Laos in its economic development planning for its northern provinces and has established a series of cross border economic cooperation zones and industrial parks. China plans to enhance regional dependence on the Chinese market by loosening trade barriers so that Myanmar and Laos can export more agricultural products to China. China also wants to expand cooperation with Mekong countries in such areas as industrial cooperation and investment, cross border financing, clean energy (including hydropower, solar, and wind technologies), and regionalization of the Chinese currency.

This panelist concluded that China’s strategies have major geopolitical implications. In the broader context of China’s troubled relations and image problems in ASEAN due to South China
Sea tensions, China needs to find new and creative ways to improve its relationships. If China’s trade and infrastructure strategy proves to be successful, the ASEAN Mekong states could become China’s corridor to maritime Southeast Asia, as well as South and Southwest Asia. There is an element of competition with Japan in China’s strategic perception. As a mechanism of the ADB, the GMS has been fundamentally influenced by the preferences of Japan and the U.S. Competition with Japan is particularly sharp in mainland Southeast Asia (e.g. providing of aid and railway development). In this context the main challenges for China’s Mekong agenda comes from this external competition and also its own internal deficiencies. China’s infrastructure projects may be famous for their scale, speed, and financing, but environmental and social impacts have always been a major concern. While China has been the main constructor of hydropower projects on the Mekong River and argues that the demand for electricity should supersede other concerns, it has faced considerable local opposition as well as international opposition to their projects. The Chinese government has tried to alert their state-owned enterprises to pay more attention to such critical issues, but effectively regulating the behaviors of its SOEs has proven difficult. Part of China’s problem in dealing with mainland Southeast Asian countries is a “knowledge gap,” as few Chinese institutions have in-depth knowledge of the region. Moreover, the commercial viability of China’s biggest projects, such as the China-Laos railway, is unknown.

Questions and comments from participants

The panelist offering Lao views on this topic took the opportunity to add the comment that in 2016 Laos will have unprecedented opportunities to co-chair sessions at both the U.S.-ASEAN summit in California and the Russia-ASEAN summit in Sochi, Russia. Regarding the ASEAN People’s Forum, he said that it cannot be held in Laos in 2016, as the country does not have the capacity to hold such a big forum.

A question was raised as to the expected intensity of U.S. and Chinese competition in the Mekong River area. One panelist said there might be some competition, but it would be considerably less than over South China Sea issues. A second panelist concurred with that assessment, adding that the LMI is focused mainly on health and basic human needs, while the Chinese LMC initiatives are focused on infrastructure. However, a third panelist commented that the Chinese see an element of competition in what is going on. The LMI and other programs are focused on water, energy, civil society, and health, and China fears that its infrastructure projects will be put under closer scrutiny by governments and civil society organizations, which could be a potential problem for Chinese projects.

A questioner asked a two part question about (1) the agenda for the Russia-ASEAN summit and (2) Vietnam’s influence in Laos with respect to China’s strategic objectives there as represented by its railroad plans. The panelist reflecting Lao views responded by saying that the agenda for the Russia-ASEAN summit is still being worked on, but will probably deal mostly with social and cultural cooperation as well as energy cooperation. Two other panelists, addressing the second part of the question, commented that while Vietnam may be somewhat put off by having its influence in Laos eclipsed by China, it has many more important concerns in its bilateral relationship with China, knows it can’t compete with China in the area of infrastructure projects, and is itself seeking Chinese help with its own infrastructure ambitions.
Another questioner raised the question of why Laos could not permit participation by the ASEAN People’s Forum. The Lao panelist responded that there were problems with working out the role of Laos in serving as chair of the forum, causing the time for planning such an event to run out.

Session II: “ASEAN Economic Community: Narrowing the Developmental Gap in the ASEAN Community”

The chair of this session began by commenting that the panelists would be addressing the very heart of what ASEAN is all about – economic cooperation. The panel was set up to focus on economic differences between the two parts of ASEAN and look at narrowing the development gap. Three institutions focused on these issues deserve particular attention: AEC, RCEP and LMI. Specific measures on the agenda include building economic resilience, managing climate change, water security, and other transnational non-traditional security challenges.

The first panelist offered the U.S. government perspective on the issues under discussion, starting broadly with U.S. engagement in the region, moving on to economic issues, and then closing with the LMI. The U.S. views economic cooperation with ASEAN as a key aspect of its overall relations with the region and considers economic development and prosperity as critical to the health of ASEAN. For these reasons, U.S. economic engagement has been robust. ASEAN is the U.S.’s fourth largest trading partner. U.S. FDI in ASEAN in 2014 was bigger than many other countries in the region combined, and increased by 13% from 2013 to 2014. Broadly speaking, the U.S. commitment to ASEAN has increased dramatically, especially in the context of recent developments with the U.S. rebalance to Asia. In the economic sphere, the U.S. has five priority areas and key pillars of engagement in ASEAN: (1) economic cooperation; (2) maritime cooperation; (3) the Young Southeast Asian Leaders Initiative (YSEALI); (4) empowerment of women and girls; and (5) transnational issues such as climate change, cybercrime, and wildlife and human trafficking. A U.S. initiative in which many officials take particular pride is the YSEALI training program, which promotes expanded economic cooperation, capacity building, and knowledge sharing among ASEAN young leaders. The LMI is another important initiative, created in 2009 by Secretary Hillary Clinton as a means to narrow the intra-ASEAN development gap and increase connectivity and better relationships with ASEAN. It has become one of the key pillars of U.S. non-military engagement in Southeast Asia. The U.S. consults closely with the LMI countries as it attempts to fill gaps in a way that is complementary and not competitive. Though others may have different views, the U.S. sees the LMI as constructive and complementary to what other countries are doing in the region. Though there are challenges with respect to China’s concerns, there is little tension: the Lower Mekong is not the next South China Sea.

The next panelist began by challenging the earlier assertion that ASEAN is primarily an economic institution. Rather, he asserted that it was formed for political reasons and remains very important in that context. The panelist then mentioned five related “realities:” (1) that despite talk of globalization and the integration of world trade and investment, the world economic system unfortunately still mainly functions through hub and spoke relationships; (2) that ASEAN countries, particularly those with large natural resources, are competitive rather than complementary in terms of their basic endowments; (3) that many ASEAN countries’
financial systems are not prepared to handle free capital flows in times of crisis, as was demonstrated in 1997-1998 Asian financial crisis; (4) that many countries still base their development on large, fast-shrinking natural resources that are subject to volatile price fluctuations; and (5) that though not feeling the direct effects of climate change ASEAN countries are following development policies (e.g., hydropower dams on the Mekong River, polluting run-off affecting coral reefs, Indonesia haze) contributing to short-term acceleration of what will be long-term climate change. Though essentially positive about the future of Southeast Asia and ASEAN, the panelist fears that the development of hydropower through dams in Laos will be very harmful to its downstream neighbors. As for closing the development gap, that too will be a big struggle if the region’s development models continue to be based on big projects such as dams. The speaker asserted that a focus on big dams is in the long run less efficient than giving priority to put power and infrastructure together to open up possibilities for light industry and agricultural processing, developments buttressed by education and capacity building in the sense of both workforce enhancement and enlightened government. In that sense, the LMI is cost effective in many ways and emphasizes U.S. capacity building capabilities, technology, soft power, and promoting NGO ability to influence policy. In addition, there is more and more convergence between the LMI countries and the Friends of the Lower Mekong Donors Group. Finally, the whole point of the LMI is that it is not just about sustainable development but it also focuses on regional coherence and cooperation between the Lower Mekong countries and the rest of ASEAN. Whatever happens within the LMI, the lowest common denominator is that the LMI cannot move in any direction or any faster that its member countries will agree to by consensus. Being a consensus-driven institution, it cannot be dominated by any single participant, including the U.S.

The next panelist focused on the AEC process and ASEAN’s development gaps, noting that the next generation of integration reforms will be politically challenging, as they will touch directly on sensitive issues of sovereignty. Requiring the less developed members of ASEAN to face such challenges in order to maintain their role in the process will also present a challenge to the sustainability of the AEC going forward. That is why the development gap question is so very important. In looking at ASEAN’s place within the global environment one wonders if that environment will serve as an additional catalyst for countries to push as hard as they can for integration. The ASEAN countries have their own national politics and demonstrate different levels of energy and passion around the AEC projects. Some are more motivated than others, a function of their domestic politics. In this respect those concerned with the future of ASEAN hope that “our friends in Indonesia” will show more enthusiasm for the AEC. As the biggest country in ASEAN, Indonesia plays a dynamic, motivating role wherever it chooses to exercise its influence. The post-2015 AEC agenda raises a number of important questions? Will ASEAN implement the necessary policies to realize the aspirations it has set for itself? Though Malaysia has done an excellent job in launching the AEC, for those in the business world many of the words written on paper are not often reflected in the measures taken to date. An example is the national-level “single window” project, the fundamental AEC trade initiative highlighted in this year’s leaders’ statement. Five years from now, will it still be easier to move goods from Singapore to Long Beach, California, than from Kuala Lumpur to Bangkok? Continued efforts in this regard are clearly needed. Perhaps the WTO trade facilitation agreement and TPP agreement can serve as additional catalysts for pushing such agendas forward. Another important area in the integration agenda is progress around Mutual Recognition Arrangements (MRAs), but more
needs to be done for each country, in terms of laws and regulations, to allow skilled professionals to work in different countries within the region. Progress in this regard will promote further growth and development of sustainable energy resources. The U.S. private sector has similarly been urging more discussion of measures to facilitate freer movement of data and information across borders. In this respect it has welcomed the steps Cambodia has taken to develop its first e-commerce law. With all ten ASEAN countries participating in RCEP negotiations, there will be further efforts to negotiate an e-commerce chapter, which potentially can serve, in terms of a least common denominator, as the basis for ASEAN having a foundation for an e-commerce regional framework, one that would provide businesses – both large and small – with welcome guidelines for buying and selling goods across borders. U.S. investment in ASEAN will be drawn to evolving business models that offer such opportunities affecting the whole region.

Global American companies are interested in sub-regional initiatives that potentially allow for investment opportunities within larger economies. A second new development within ASEAN is offered by the gradual opening of Burma/Myanmar, where there are still many restrictions on what American firms can do. Another exciting area going forward with the AEC process is the deeper dialogue and alignment of interests between private sector actors in ASEAN, the U.S., and Japan. U.S. businesses are also pleased with their close partnership with USAID projects that support SME development in the region and welcome the chance to join ASEAN business leaders in discussion of corporate social responsibility. This evolution of ASEAN corporate culture could play a valuable role in addressing the development gap issues.

The chair asked the panelist who gave the U.S. business perspective to give more specifics about attention being given to Laos. The panelist’s colleague in the audience offered the comment that a delegation of seven U.S. companies, led by Microsoft, visited Laos in March to look at investment opportunities and the interest is growing among American firms. The panelist added that developing human capital is a key issue, and is taking the shape of a sub-regional initiative. An earlier U.S. government and U.S. private sector initiative led by Intel Corporation, involving only Vietnam and looking at training in higher education for engineering, has evolved into a sub-regional initiative that is benefitting many students from the sub-region. U.S. companies are also very interested in infrastructure opportunities in Southeast Asia, but often find that much more attractive financing is offered by China, Korea, and Japan. At the same time, the U.S. business community expends a great deal of time encouraging policy makers in the region to recognize that while U.S. bids on projects may come in higher than those from other bidders, they should carefully measure other “value for money” factors such as life-cycle costs, technology transfers, and environmental impacts.

Another panelist, commenting on environmental sensitivities impacting Chinese projects in Burma/Myanmar and Laos, said that China is learning lessons from having sunk $1.2 billion into a controversial and now suspended Myanmar dam project with no foreseeable prospect of getting its money back. The question is if and how soon will China apply the hard lessons it has learned on environmental standards for its companies abroad. The broad issue here, which applies to the Mekong and elsewhere, is that the huge environmental and other impacts of these big projects often are not taken into account. With their rising political and financial costs, the model for these 35 or 45 year projects is falling out of favor: who wants to sign up and take the risks that come with them? As for China’s loans for projects in other countries, will they be politically-motivated “policy loans” or will they be commercially focused loans vetted for their future
performance and payoff? As for Laos’ options, no one can simply tell Laos that it cannot build dams. However, perhaps two trends are now converging. One is that the rising political and financial risks jeopardize future dam-building projects and the second is that Laos is interested in using its geographical position and exporting power for revenue. Rather than concern itself with large and problematical new projects, Laos could get more revenue from fewer dams by improving older dams that need renovation.

Questions and comments from participants

A participant asked whether the TPP agreement, with its high standards, would have an impact on the AEC, with its lower standards. The chair of another panel responded by saying that the less developed countries in ASEAN – notably Myanmar, Laos, and Cambodia – still have no effective dispute resolution mechanisms that make them competitive in attracting foreign investment. They also need assistance in order to deal with fiscal management issues related to budget deficits in the face of depressed prices for their minerals. A panelist from the current panel added that the existence of the TPP is spurring a new and positive conversation within ASEAN about models and specifics for trade liberalization. The conversation is particularly valuable for TPP eligible middle-income countries like Indonesia, Philippines and Thailand. With four of ASEAN’s ten countries in the TPP committed to high standard disciplines related to customs and trade facilitation, it may that prove a catalyst to motivate the other TPP eligible countries to seek membership. Another panelist commented that it is quite remarkable that Vietnam is currently the largest magnet for U.S. corporate investment in the region. Though it has good strategic, economic, and political reasons for signing up for the TPP, Vietnam will gain huge advantages if it can follow through on all the obligations to which it has committed itself.

Luncheon keynote address by senior Lao official

In his keynote address, the Lao senior official began by noting that 2016 is a very meaningful year for ASEAN, as it represents both the first year of the ASEAN Community and also the first year for the implementation of the ASEAN Community vision for 2025. With these considerations in mind, the Lao People’s Democratic Republic selected the theme “Turning vision into reality for a dynamic ASEAN community.” Narrowing the development gap is one of the most important priority areas to be the focus of Laos’s chairmanship. Priorities will include putting the final touches on the ASEAN integration post-2015 agenda that will be a core part of the ASEAN Community initiative, promoting tourism and trade, SME development, and cultural preservation. At the same time, the government of Laos is making careful preparations for taking on the chairmanship and handling the substantive and logistical matters entailed. Logistical and training support and assistance are being provided by ASEAN member states, the U.S. and other dialogue partners. The major venue for the gatherings will be the National Convention Center in Vientiane.

Questions and comments from participants

Question: Will there be any Track 2 or Track 1.5 dialogue activities involving China and Laos, or involving other countries?
Answer: So far we have not discussed such plans, but as is the usual ASEAN practice, there will be many Track 2 activities, seminars, and workshops.

Q: During Laos’s ASEAN chairmanship will the human rights issue be a priority in terms of discussion topics?

A: Human rights will be discussed by the ASEAN Intergovernmental Commission on Human Rights (AICHR), the only body tasked to play that role.

Q: In your comments you talked about SME development being the priority for Laos chairmanship in 2016. What is Laos doing to try to attract capital that would allow SMEs to develop in your country?

A: The issue of SMEs is a continuing priority for both ASEAN and Laos. As it has been for Malaysia this year, and we will keep giving it priority attention.

Q: When Burma/Myanmar was ASEAN chair in 2014, it gave priority to SMEs. One way they attracted capital was through receiving a $50 million loan from Singapore and Vietnam for SME development. Are you getting that from other ASEAN countries in order to develop SMEs in your country?

A: One mechanism of ASEAN is what we call a poverty reduction ministerial meeting, at which the discussion focuses on how to assist poor people to have access to funding. That kind of meeting was held two months ago, and many ASEAN banks showed a willingness to provide assistance. However, as each ASEAN country has its own banking system, they need more time to address this issue.

Q: On the topic of the Mekong River, the leadership of Laos as ASEAN chair will be enhanced if you can apply the rule of law to the Mekong. We have the Mekong River Agreement signed in 1995. Also in 1997, there was the UN Convention on Water Rights in the Lower Mekong River. Is there any hope that Laos will take leadership in following a rules-based system for the Mekong? Can you highlight potential ways LMI countries might help you do this? Will you invite China to sit at the table to talk about the Mekong River Commission?

A: The work of ASEAN and the MRC is different. ASEAN and the government of Laos have no right to interfere in the work of the MRC. It is its own body and has its own decision making mechanism. We cannot put this matter in the agenda.

Q: We haven’t talked about the 30 million people suffering in the Lower Mekong River. This year, we don’t have adequate water coming down, and not many fish, and flooding with salt water makes it very difficult to grow rice in the Mekong delta. Can Laos as ASEAN chair help the people in the Lower Mekong River?

A: I don’t see fishery downstream being negatively affected by Laos’ dam construction.
Q: Two quick questions. First, on the economic initiatives you mentioned that under Laos chairmanship, there has been some talk about creating a region-wide agreement or standardization of special economic zones. Can you elaborate on what that proposal would contain or any other initiatives Laos is planning to take in that vein? And second, what are some of the priorities for U.S. and Laos cooperation during 2016?

A: For the economic zone, Laos has prepared itself within the AEC to improve our infrastructure. This policy is not new at all. Like other countries, expanding economic growth and cooperation will generate more infrastructure projects. Regarding U.S.-Laos cooperation and the visit of President Obama, we have big expectations that this highest level of U.S. visit to Laos will lead to greater bilateral cooperation. Washington has already been assisting Laos a great deal.

Q: I saw an estimate that was recently issued by your government saying that approximately 150,000 skilled foreign workers will be coming into Laos during 2016-20. The estimate was for about 60,000 Lao people to take jobs in Thailand during the same period. Does the Lao government see this shift as resulting from the AEC, and does it have any significance for your economy or your society or for the government itself?

A: This is an important question for Laos at the moment. The government has tried to set up an economic zone, because it wants Lao workers to come back to work in the country by creating more jobs for them. People can work in other places and have the right to this. We need skilled labor in the country, for example, for big construction projects. We don’t have enough skilled workers, so must import workers from neighboring countries. Also foreign countries are also happy to send workers. But we also want to supply the labor of our own people. With only six million people, there are not enough workers for the amount of projects needed in Laos.

Session III: “ASEAN Social-Cultural Community: Strengthening a People-Centered ASEAN Community Through U.S.-ASEAN-Laos Cooperation”

The chair of this session opened the proceedings by commenting on the impact of criticism by the ASEAN People’s Forum of the elitist character of ASEAN. Despite the many challenges, ASEAN is moving towards a positive trajectory and becoming more people-centered. Reflecting the political diversity found among the ten members, civil society has flourish in some countries, though not in others. A few years ago no one would have predicted that Burma/Myanmar would become as vibrant as it is today. In the lower Mekong region, 70-75% of the population has been born after the Vietnam War, which means that Southeast Asia has changed tremendously in the just the last couple of decades.

The first panelist commented that he and his non-profit associates work closely with various communities interested in Laos, including universities and non-profit organizations in the U.S. and around the world, and put on an international conference of Lao studies every four years. In 2016 there will be a conference with the theme of the Lao PDR as ASEAN chair. His non-profit body also organizes an annual summer study abroad program in Laos called SAIL (Study Abroad in Laos). Between six to sixteen students take part each year. It is hoped that the SAIL program can become an exchange in which Lao scholars and students can be brought to the U.S.
to teach and conduct collaborative research. The Lao expatriate community in the U.S. is large and includes many people, especially in the younger generation, who want to engage in people-to-people exchanges between the U.S. and Laos. There is great potential for Lao-American collaboration, for example, the Center for Lao Studies will collaborate with the National University of Laos on an international conference on Lao studies at Thammasat University in Bangkok in July 2016.

The next panelist spoke of four people-centered principles in ASEAN: (1) democracy, (2) human rights, (3) good governance, and (4) resiliency. Regarding democracy the recent election in Burma/Myanmar was a landmark in demonstrating the widespread desire to move in that direction. It is critical, the panelist continued, for countries in the Mekong sub-region to support the evolution of democratic values and institutions. Otherwise, it will be hard to develop a truly people-centered ASEAN. As for human rights, some governments in Southeast Asia consider attention to such issues to be politically threatening. There needs to be a mechanism in place to deal with problems relating to foreign migrant workers, especially women and children, but countries like Malaysia, Thailand, and Singapore don’t want to touch it. Good governance is urgently needed in ASEAN. This principle is a necessary factor in development; if you cannot have good governance, then there cannot be good development. Corruption and the lack of transparency and accountability seriously compromise a nation’s progress along a path of sustainable development. The concept of resiliency links directly with climate change issues and vulnerable populations along the Mekong River, and should be expanded to embrace the idea of inclusive growth, a core concept in development models discussed in international forums such as the G-20 and APEC. Among mechanisms in place to foster dialogue and multi-level partnership between civil society and government is the ASEAN People Forum. It helps countries share people-centered concerns and needs. Some objectives they talk about, such as establishing a ASEAN human rights court, are not realistic, but it is important to listen to ideas put forward from this forum as well as other forums representing ASEAN civil society. Leaders of these bodies have chosen to work on issues based on the recommendations of the people: especially those related to women’s rights and children’s rights. Track 2 dialogue among ASEAN countries is vital to shaping the direction of progress toward a more people-centered ASEAN. As has been shown in Burma/Myanmar, stronger partnership between ASEAN and civil society organizations can assist the strategic thinking of government leaders on subjects ranging from democratic transition to economic planning.

The next panelist began by saying that while the people in ASEAN have been empowered in many ways, but much more remains to be done on that score. With many obstacles ahead, greater attention should be given to fostering deeper cooperation in the area of community development. Still, we should recognize that Southeast Asia has experienced three “miracles” in recent decades: the economic miracle, the disappearance of mass atrocities, and reconciliation of former enemies. Despite these three desirable outcomes, ASEAN still has a long way to go in realizing its social-cultural community pillar. Some progress certainly has been made. Human rights are openly talked about and democracy, despite setbacks, is on the march, notably in Burma/Myanmar. Despite the advances, we know that miracles can disappear unless policy makers carefully think about how to make them permanent. Human rights continue to be violated throughout the region, including through Thailand’s military coup and judicial irregularities in the Philippines. The problem is that democracy in ASEAN has not really been consolidated. It
can come and go. For example, how long will Indonesia keep moving on its “democratic path”? Despite its democratization, the authority of elected leaders is contested by powerful military groups. National unity in each of the ASEAN countries has to be domestically achieved before ASEAN can become an integrated ASEAN Community. With so much political diversity, one cannot realistically talk about regional integration. The best hope is that ASEAN moves forward as a pluralistic grouping. Currently Southeast Asia is facing pressure from an increasingly assertive, authoritarian, and much stronger China. Authoritarian countries don’t have long-lasting cooperation with weaker neighbors, who always feel a level of vulnerability and insecurity. At the same time, with problems come possibilities. The rise of China will provide opportunities to ASEAN to band itself more closely together. When rising powers threaten their neighbors, those countries always look for a savior from outside. Therefore, it is important to integrate Laos into ASEAN, and for Laos to carefully consider its long-term interests while also addressing its short-term ASEAN chair responsibilities. Under these circumstances the U.S. should be patient and make sure that the region remains open and is not isolated. U.S. assistance to Laos as ASEAN chair is particularly important, because if Laos is successful as the chair, then it will be more inclined to see the benefits of close cooperation in ASEAN regionalism. Recognizing ASEAN’s political, economic, and cultural diversity, the U.S. should look forward to ASEAN becoming a resilient pluralistic community, rather than ambitiously expecting it to create a common identity.

Questions and comments from participants

In response to a question about priorities for consideration by the ASEAN People’s Forum, a panelist replied that “sustainable development” is the rubric under which ASEAN governments are most likely seriously to consider recommendations from civil society activists. They are still uncomfortable with considering proposals relating to human rights, for legal as well as political reasons.

Another panelist pointed to the advantages offered by Laos’s diverse and western educated overseas population, which has not been utilized to its potential for helping Laos integrate into the ASEAN community. Those in the Lao diaspora have been overlooked and prevented from going back to invest, to own properties, or to contribute to nation building. Laos should take advantage of what that diaspora community has to offer.

Another participant commented that it is good that socio-cultural issues are part of ASEAN’s agenda, but that aspect seems quite fractured. In order to have a people-centered ASEAN community, the countries need first to look in the mirror and focus on their own fissures. Until those questions are addressed and resolved, there will be fissures in ASEAN – a people-centered ASEAN with holes. A panelist responded by commenting that internal ethnic tension is a key security problem. It is a good development that the ASEAN People’s Forum exists to create opportunities for the sharing of views, but the political systems suffer from politicians who use narrow nationalism or racism for their own benefit.

In response to a participant’s question about promoting good governance in ASEAN, a panelist said that organizations like Transparency International do not work well in ASEAN countries, as they cannot find strong partners. Summing up the current situation in the region, the panelist said
that the Philippines and Indonesia can be role models for good governance reform. While Burma/Myanmar seems to be shifting slowly in the right direction, the outlook for Cambodia is difficult, and currently impossible in Thailand.

Summary and Wrap-up

The session’s chair wrapped up the symposium proceedings by summarizing major findings and conclusions. These insights form the basis of the “12-point symposium highlights and policy recommendations” listed in the Executive Summary at the beginning of the report.

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