

MAINTENANCE AND PROMOTION OF PEACE AND SECURITY IN ASIA***Pham Thanh NGA, LL.M**

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Abstract

In the 21st century, the World is facing with many problems. There are many conflicts between countries, not only on land but also on the sea. Asia is now becoming the center of the world with issues related to the politic and economy. Southeast China sea is hot area now. Many countries crush each other on this sea area because of big benefit and strategy position of this sea area. Besides, problems related to nuclear and chemistry in North Korea, Iran, etc. or trade war are making conflicts between countries and danger the peace and security of the world. Moreover, the increasing of terrorism situation is also danger the peace and security of area. Therefore, the government of countries have tried to keep the peace by negotiate and co-operate each other. On this paper, I will analysis some problem related to the peace and security in Asia. Then I will analysis the regulations of international law on these problems. I will give some recommendation to maintain and promote peace and security in Asia. I will also mention the role of Vietnam and ASEAN to maintain and promote peace and security in Asia. To research and write this Paper, I use many methodologies of researching such as theoretical research methods of analysis-synthesis, methods-inductive interpretation, statistical methods, and comparative method ... to go from research the actual evolution to generalize and make a judgment general trend.

Keywords: Maintenance, Promotion, Peace, Security, Asia.

INTRODUCTION

Asia is becoming a major driver of global economic growth, but this region itself contains complex unresolved conflicts threats stability and regional peace. The complexity of security in the Asia-Pacific region lies in traditional and non-traditional security issues, but has not yet found a way to deal with multiple stakeholders. With mutually advantageous conflicts, non-traditional security issues seem to have been neglected. This is the information released at the Asia Regional Security Conference: "New Features and Dynamics" by the World Institute of Economics and Politics - Academy of Social Sciences. The rise of Asia is one of the most important developments of the 21st century. It confers on the Asian continent and its Pacific shores a renewed importance in the current reconfiguration of global power relations. Yet, multiple issues are at stake in Asia. The continent is not a calm strategic space: extreme nationalism, territorial and maritime disputes are signs that this thriving territory is threatened. Furthermore, no regional institution has proven itself capable of avoiding escalation and giving this complex and multi-faceted area a strategic identity so far. In the wake of this « transformation of the world » come many questions for an introspective Europe. How intelligible are the overlapping processes of strategic competition and cooperation in Asia to Europeans? How can European institutions and states cope with an increasingly armed Asia while they simultaneously divest the defence sector of its resources? What will be the impacts on European security and prosperity? Although many competences are to be found in Europe, which could help in dealing with these questions, they face a dual challenge. First, they lack coherence. Second, they suffer from the tyranny of distance, which makes Asian interests all too often appear remote or vague to European audiences. Via its collaborative stance and research centred on the perceptions of Asian stakeholders rather than on a "European lens", the GRIP "Peace and Security in Asia-Pacific" programme seeks to fill these gaps.

Through its bilingual publications, its network and joint projects, GRIP aims to provide a platform for Asian strategic issues in Europe, based on high-end and collaborative research. Its added value lies in its focus on peace and security affairs, mainly tackled through:

- Maritime security in Asia: state policies and stakes for global security,
- Strategic cultures in Asia,
- Military spending, arms transfers, the development of defence technological and industrial bases in Asia,
- The role of Europe in the current reconfiguration of power relations,
- China and the Asian security: development and scenarios.

DISCUSSION**Conflict on the sea**

South China Sea is the area marine around by many countries. South China Sea has a strategy position and many economic benefit. Therefore, many countries try to reign this sea area and create hot conflicts here. China is rapidly moving from a continental power to a continental-ocean power, reflecting its rapidly spreading interests. As a fast-growing power, China faces significant domestic and international pressures to protect its interests. China is trying to protect its territorial and oceanic requirements in the surrounding waters. Since 2013, China has implemented large scale illegal work on the disputed rocks in the Spratly Islands. Once completed, the artificial islands will allow China's navy, coast guard and air force to maintain a permanent presence in the Spratly Islands, helping China to expand its capabilities. Their sovereign and sovereignty rights claims in the so-called "nine-dashed line" account for 80% of the South China Sea. China's claims are likely to exacerbate tensions with other claimants, exacerbating security, safety and maritime freedoms in Southeast Asia, as

well as asking questions about the ability to manage conflict in the South China Sea between ASEAN and China. To settle the conflicts, countries can use United Nations Convention Law on the Sea 1982 and the Code of Conduct China – ASEAN on the South China Sea. However, the mechanism of solving conflicts problem of these laws is not really effective. Therefore, countries should apply the peaceful settlement of international conflicts principle to solve their problems. Besides, the principle of agreements must be kept (“*Pactasuntservanda*” in Latin)¹ should be used also.

Terrorism and Cyber Security

There are many cases of terrorism in the world these years. Last century, Asia is more peaceful and security in compare with other western. But in the 21st century, the role and involvement of the United States in the Asia-Pacific region remains enormous. However, this is not the time for the United States to cover every issue. China is a major power that is directly or indirectly involved in all major conflicts and security threats in the region. China itself is eager to expand its strategic influence with a series of multilateral initiatives, including the One Belt, One Road initiative. Meanwhile, India's role in Asia-Pacific security is not yet clear. Over the past several years, India has not promoted effective eastward policy. One of India's recent major strategic adjustments is the "East-Centred" dream of an "Asian Century," characterized by cooperation and cohesion Japan and South Korea are making efforts to change their capabilities. Japan is more engaged, playing a greater role in regional security. Aside from the rearmament effort at a higher level, Japan has also increased its involvement in Southeast Asia and has supported a number of capacity-building countries. Next, network security is also an important strategic issue. Cyberspace has been and will become the cornerstone of important interactions from politics, security to economic and social. As Asia-Pacific becomes the driving force of the world economy, cybersecurity becomes even more important. According to the World Economic Forum's Global Risks Assessment, cybersecurity is the third highest risk in economic transactions in the region. Deloitte believes that cybersecurity is an important issue for the developed economies of South Korea, Japan, Australia, New Zealand and Singapore, allies and close partners of the United States. Given these security challenges, multilateral cooperation to manage or partially control the possibility of conflict is required. Basically, the multilateral structure in the Asia-Pacific region is shaped by the three rules of play, the balance of the relevant powers, the weakness of the cooperative security approach and the central role of ASEAN. However, each of these rules of multilateral cooperation mechanisms has different problems. For the Asia-Pacific region, basic security challenges are not just about traditional security issues but also are influenced by the views and policies of the great powers, as well as the laws play multilateral security. The reconciliation of these challenges is not at the same time, suggesting that this area contains many historical conflicts both in the present and in the future. With so many issues spread across many areas in a geographically large area, almost no security challenges in the Asia-Pacific can be addressed in the near future.

¹Known by the Latin formula *pactasuntservanda* (“agreements must be kept”) is arguably the oldest principle of international law. Without such a rule, no international agreement would be binding or enforceable. *Pactasuntservanda* is directly referred to in many international agreements governing treaties

Human trafficking

Human trafficking is the buying and selling of people for the purpose of exploitation. The issue of human trafficking is a global concern, which directly affects Asia. The United Nations estimates 56 percent of global human trafficking victims are in the Asia-Pacific region, with Southeast Asia and South Asia representing key sub-regions that supply trafficking victims to the rest of the world. The causes of human trafficking are linked to regional development challenges including limited education and employment opportunities, weak social safety nets, a tenuous rule of law, and ethnic and gender discrimination. USAID's 2012 Counter-Trafficking in Persons Policy incorporates principles set forth in the U.S. Trafficking Victims Protection Act of 2000 and adheres to standards in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“the Palermo Protocol”). In coordination with other partner government's efforts, USAID focuses on two main areas of intervention to fight this transnational crime: enhancing public awareness and promoting effective governance solutions. USAID supports the IOM-X program, an innovative campaign to encourage safe migration and public action to stop human trafficking and exploitation. The campaign leverages the power and popularity of media celebrities alongside technology and social media to inspire youth and their communities to act against human trafficking. In addition, in November 2015, the Association of Southeast Asian Nations (ASEAN) will endorse and ASEAN Convention against Human Trafficking. Through the ASEAN-U.S. Partnership for Good Governance, Equitable and Sustainable Development and Security program, USAID will support ASEAN member states to adjust legal frameworks to implement the Convention's provisions to support victims of trafficking, allowing better collaboration and coordination among countries to protect victims and prevent trafficking.

Nuclear and chemical weapons

Although the World War II passed away many years, and the people around the world always try to keep peace and avoid the conflict to guiding the war like that, but sometimes, the conflicts between the countries still happen. One of big problems threats the peace and securities now is the developing of nuclear and chemical weapons. The overall nuclear weapons outlook in Asia is troubled. For most Americans, North Korea is central to Asian regional proliferation trends. It is also a critical test of the regime. North Korea cheated from within the regime and this makes it distinct from India and Pakistan who have recently gone overtly nuclear. The Permanent Five (P5) have committed themselves to reversing North Korean nuclear developments, and hence it is a test of the P5's ability and credibility. However, North Korea is only one aspect of the regional proliferation scenario. There are other potential dimensions of the proliferation dynamic in the Asia-Pacific region. In historical terms, in terms of the Korean peninsula, North Korea is not the only nuclear question. The Republic of Korea (ROK) has had nuclear weapons ambitions and activities in the past also. ROK has been dissuaded from having weapons by the US at least on one occasion. There is also a question of whether a post-reunification Korea will be a nuclear weapons state or not. In northeast Asia, Japan's short-term non-nuclear intentions are clear, but in the long-term its intentions are an open question. There is certainly no push for nuclear weapons in Japan, but there is a debate, and the terms of that debate are

slowly beginning to change. Throughout the region, and especially in China, Japan is considered to be a country with a latent nuclear weapons capability. It is difficult to envision the scenarios under which Japan might go nuclear, but the possibility must not be dismissed. In between northeast Asia and Southeast Asia is of course Taiwan, another place with nuclear questions of its own. Publicly available information suggests at least two episodes in Taiwan's recent history where it seemed to be moving towards a nuclear weapons capability. These attempts were halted due to intense U.S. pressure and monitoring of Taiwan's fissile materials. Even as recently as April 2000 a press report suggested that Taiwan had acquired at least two nuclear devices, presumably from Russian so-called "loose nukes" and that Taiwan was enhancing ties with South Africa and Israel. Reportedly, about 2 and a half years ago, a Taiwanese official described to the late Gerald Segal of London's International Institute of Strategic Studies (IISS), Taiwan's nuclear policy as being one of "intense ambiguity." Taiwan wanted to be seen as being capable of a "nuclear breakout" in as short a time as six weeks. In Taiwan there is now a debate between "a shield versus a sword". It is clear that the missile build-up by China across the Taiwan Straits has helped to push this debate forward.

In Southeast Asia, it is generally thought that there is nothing to worry about in terms of nuclear weapons. While this is probably a correct assessment for the near-term, it may paint too simple a picture. If there were to be a substantial wave of nuclear proliferation elsewhere in Asia, and if the international nuclear non-proliferation regime were to be more fundamentally discredited or the US were to retreat from the regime, Southeast Asian countries might desire to have nuclear weapons. Indonesia has had nuclear weapons ambitions in the past. Reportedly, President Suharto had a promise from the government in Beijing in the mid-1960s that China would explode a nuclear device on Indonesian territory and permit Indonesia to call it its own. Australia was a country that at least once was actively pursuing nuclear weapons through acquisition (reportedly from the United Kingdom) rather than developing them at home. Southeast Asians are also somewhat concerned that they hear that China and India might compete in Southeast Asia if the United States has retreated from the region. There has even been talk that China and India compete with each other to offer security guarantees and nuclear umbrellas to client states. However improbable this may be, there is at least some perception in Southeast Asia that the prevailing nuclear order in the sub-region could change dramatically. Others were more optimistic about nuclear trends in Southeast Asia. It was noted that Vietnam, one of the region's possible nuclear risks, is increasingly tied into international organizations and therefore has strong disincentives to go nuclear. Indonesia lacks the governmental organizations and national cohesion at present for a nuclear program. Moreover, it too is hamstrung by its reliance upon international organizations. While it is true that Australia in the past has had nuclear ambitions, it is also the case that it has exhibited few signs of renewed interest. In general, Southeast Asia has a strong non-nuclear commitment as reflected in the agreement on a Southeast Asian nuclear weapons free zone. There is also the matter of the former Soviet republics in Central Asia and of course Russia itself. China, meanwhile, has been modernizing its strategic arsenal. China's relatively small nuclear force is being modernized both qualitatively and quantitatively. Finally, there may be consequences from defensive deployments in the region. There is a line of

argument in China that if the US moves to build strategic defence through ballistic missile deployments, then Russia will thicken its defences and pay for that by exporting technology to India. And as the US assists Japan and others to possibly acquire defences, China will face a more complicated picture that will lead to a clutter process of nuclear build-up amongst several powers. As a general point, hedging behaviour in Asia is well advanced. Countries with the most concern about the breakdown of the system have already in place hedges. The question for these states is how far do they move up the threshold of operational capability and shorten the lead times in their hedge. One way countries have covered this gap is through the chemical and biological weapons realm. US unclassified assessments suggest that chemical and biological research and development programs stretch in an unbroken arc from the Persian Gulf to northeast Asia. This is not to suggest that every country in this region has an offensive biological weapons program. It has also been suggested that just as chemical and biological weapons are hedges against nuclear weapons, nuclear weapons could be hedges against precision-guided conventional weaponry. One conclusion to draw from this is that this is a region that is ripe for wildfire proliferation. Thus far, proliferation has been creeping rather than rapid. But, in the event of a breakdown of the international nuclear non-proliferation regime and negative politico-military developments, there could be a domino effect on proliferation.

The use of chemical weapons in the Syrian Civil War has been confirmed by the United Nations. Deadly attacks during the war included the Ghouta attack in the suburbs of Damascus in August 2013 and the Khan al-Assal attack in the suburbs of Aleppo in March 2013. While no party took responsibility for the chemical attacks, the Syrian Ba'athist military was seen as the main suspect, due to a large arsenal of such weapons. An U.N fact-finding mission and a UNHRC Commission of Inquiry have simultaneously investigated the attacks. The U.N. mission found the likely use of the nerve agent sarin in the case of Khan al-Assal (19 March 2013), Saraqib (29 April 2013), Ghouta (21 August 2013), Jobar (24 August 2013) and Ashrafiyat Sahnaya (25 August 2013). The UNHRC commission later confirmed the use of sarin in the Khan al-Assal, Saraqib and Ghouta attacks, but did not mention the Jobar and the Ashrafiyat Sahnaya attacks. The UNHRC commission also found that the sarin used in the Khan al-Assal attack bore "the same unique hallmarks" as the sarin used in the Ghouta attack and indicated that the perpetrators likely had access to chemicals from the Syrian Army's stockpile. Those attacks prompted the international community to pressure disarmament of the Syrian Armed Forces from chemical weapons, which was executed during 2014. Despite the disarmament process, dozens of incidents with suspected use of chemical weapons followed throughout Syria, mainly blamed on Syrian Ba'athist forces, as well as the Islamic State of Iraq and the Levant and on Syrian opposition forces and Turkish Armed Forces. There have been a number of evidence gathering processes developed at the international level. In August 2016, a report by the United Nations and the OPCW explicitly blamed the Syrian military of Bashar al-Assad for dropping chemical weapons (chlorine bombs) on the towns of Talmenes in April 2014 and Sarmin in March 2015 and ISIS for using sulfur mustard on the town of Marea in August 2015. Several other attacks have been alleged, reported and/or investigated. In December 2016, at least 53 people were killed in an apparent nerve gas attack in IS-held villages near Uqairabat, marking the first major nerve gas attack since the

2013 accord. The Khan Shaykhun chemical attack on 04 April 2017 drew international condemnation and resulted in U.S. military action against the Syrian government-controlled airbase at Shayrat. The Douma chemical attack on 7 April 2018 also drew a military response from the United States, United Kingdom and France. In June 2018 the OPCW FFM confirmed sarin use in Latamenah while investigating 25 March 2017 chlorine attack. Hexamine was detected with samples, along with HFP, which the OPCW-UN JIM has previously described as being one of the key indicators that the sarin used in Khan Sheikhoun came from the Syrian government sarin process.

Climate change and Environmental Pollution

Although in the attempt to protect the environment, but because of developing economy affect, it is still polluted. Paris Convention in 2015 about Climate Change is an effort of all of countries around the World to defeat warming of earth. Compared with greenhouse gases, the culprit of global warming, aerosol particles remain in the atmosphere for a shorter period of time, and their climate effects are the strongest in the regions where they are emitted, the study said. Asia's economic development successes will create new policy areas to address, as the advances made through globalisation create greater climate change challenges, particularly the impact on urban health. Poverty eradication and higher standards of living both increase demand on resources. Globalisation increases inequalities and those who are currently the losers will carry the greatest burden of the costs in the form of the negative effects of climate change and the humanitarian crises that will ensue. Of four major climate change challenges affecting the environment and health, two urban air pollution and waste management can be mitigated by policy change and technological innovation if sufficient resources are allocated. Because of the urban bias in the development process, these challenges will probably register on policy makers' agenda. The second two major challenges floods and drought are less amenable to policy and technological solutions: many humanitarian emergency challenges lie ahead. This article describes the widely varying impact of both globalisation and climate change across Asia. The greatest losers are those who flee one marginal location, the arid inland areas, only to settle in another marginal location in the flood prone coastal slums. Effective preparation is required, and an effective response when subsequent humanitarian crises occur.

China's power struggle: how Beijing's clean-energy efforts are being frustrated by local officials. The study shows that export-related air pollution has a cooling effect in East Asia, masking the region from some of the impact from global warming, said Steven Davis, a scientist at the University of California, Irvine, who participated in the study. But the pollution may also bring undesirable weather patterns, he said in an email.

"As developing countries are doing most of the production, they are exposed to higher pollution and stronger climate effects," Lin said. "But some of the effects will spread to other regions as well."

CONCLUSION

In conclusion, there are many problems threat peace and security of Asia today. To solve these problems, it needs the co-operation and attempt of all countries in the area. We must to build an international legal system strong enough to govern relations among the countries and solve almost international disputes and conflicts. The conventions and agreements must be not only implementation and respected by all parties but also base on the main principles of UN Charter.

REFERENCES

1. United Nations, 1945, Charter, <https://www.un.org>
2. United Nations, 2015, Paris Convention on Climat Change
3. Convention on Nuclear safety 1994
4. Peace and Security in the Asia-Pacific: Theory and Practice (Praeger Security International), Sorpong Peou, PhD, is professor of international security in the graduate program in global studies and faculty of liberal arts at Sophia University, Tokyo, Japan.
5. Peace and security, <https://www.usaid.gov/asia-regional>
6. Preserving long peace Asia, <https://asiasociety.org>
7. Challenges of Asia – Pacific area, <http://enternews.vn>
8. <https://en.wikipedia.org>
9. Hanoi Law University (2004), International Law Book of Lectures, Public Security Publisher House
10. Dispute Resolution Journal, Vol.72/No.1, 2017
