Chapter Six

CONFIDENCE BUILDING MEASURES THROUGH TRACK I PROCESS

Southeast Asia is a region of serious academic interest particularly in security issues. It cannot at the least be called a zone of peace, stability and tranquillity for several reasons. As discussed in the previous two chapters, threats to security arise from both external and internal sources. Besides, the nature of threats to the region is varied. The region bears the legacy of the Cold War tussle and is considerably militarised, yet emergent threats complicate the security scenario of the region. It is plausible to discuss such a wide plethora of security issues under the simple division of military and non-military security threats.

Southeast Asia is also a region made of small and medium powers in terms of size, economic and political capacity as much as in terms of military strength. The states have a variety of interests and different security priorities but their causes and consequences are inter-related. Therefore, in spite of the diversity of the interests and security priorities of the states, the response had to be made from the regional level through a multilateral institutional approach. The birth of the Association of Southeast Asian Nations (ASEAN) was a multilateral response to the kind of vulnerability the states of the region were feeling during the Cold War period. Thus, ASEAN turned out to be a political response to the insecurity emanating from the interventions of some extremely ambitious external powers – US, the Soviet Union and China. The point that need be noted here is that although ASEAN was portrayed as a regional organisation seeking regional welfare, it was established in response to the Cold War situation. It was thus not entirely an indigenous idea of cooperation that inspired the birth of ASEAN. ASEAN, right from its birth, projected itself as a socio economic organisation and consciously tried to keep security farther from its parameters. To that extent, from the very beginning ASEAN suffered the dilemma of prioritising between direct military issues and non-military ones.

Notwithstanding ASEAN’s image as a socio-economic organisation, it has been devising norms and rules that would help to keep Southeast Asia free from external interference and at the same time deter regional powers from their ambitious ploys. The ZOPFAN Declaration, TAC, and the SEANWFZ are some of the substantive
policy formulations reflective of ASEAN’s constant concern for security threats from ambitious and powerful States. To give one example, in the ZOPFAN Declaration the original five members expressed the desire to relax international tension, ensure stability and security from external interference in any form or manifestation, and ensure the conditions of peace and stability indispensable to the independence, economic and social well-being of the people of Southeast Asia. In course of time, these treaty provisions have become the stepping stones towards membership into the organisation; every state becoming member to ASEAN must accept the provisions of the treaty.

With the fast changing security scenario in Southeast Asia especially after the Cold War years, ASEAN members felt insecure in an uncertain political and strategic environment. It is this feeling of institutional inadequacy that led the members of the ASEAN to create an exclusive institution to address the security issues of this region and even of greater Asia Pacific. It was only in the post-Cold War period that the ASEAN Regional Forum (ARF) was formed. The Forum is concerned with security issues of Southeast Asia and the Asia Pacific. One of the most significant ways of achieving a sense of security is to build confidence amongst the states of the region especially within Southeast Asia. It is the focus of this chapter to look at the nature of the responses made of ASEAN as a regional organisation, especially through the ARF, to the security challenges of the region. It will emphasise the aspect of Confidence Building through Confidence Building Measures (CBMs), and point out to the challenges of the efforts.

**Role of the ASEAN**

The Association of Southeast Asian Nations was born in August 8, 1967. It was born at a time when Cold War had already taken over large parts of Southeast Asia. The organisation was born with the consent of only half of the states of Southeast Asia – Indonesia, Malaysia, Singapore, Thailand and the Philippines. A simple look at the political orientations of these countries revealed that all of them were non-Communist states. In the words of the former Indonesian Minister Roselan Abdulgani, “the commonality of political attitudes and ideological orientations, which were non-

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communist, if not anti-communist, among the five member nations of ASEAN has clearly been an important unifying factor in ASEAN. However, ASEAN was not the first endeavour at regional institution building in Southeast Asia, unfortunately the record of regional cooperation prior to it had been less than remarkable. Two important attempts at institution building were unsuccessful – they had either failed as in the case of MAPHILINDO comprised Malaysia, Philippines and Indonesia or had remained moribund as in the case of Association of Southeast Asia (ASA) comprising Malaysia, the Philippines and Thailand. In the case of the former, the organisation failed to move beyond the stage of political rhetoric as its members conceived the organisation as an instrument for furthering individual tactical interest rather than regional ones. Indonesia for instance suffered from a serious suspicion and insecurity due to the presence of Western non-communist states in its neighbourhood. Indonesian President Sukarno viewed American neutrality on West Irian Jaya dispute between his country and the Dutch with contempt; he also felt that the British preponderance in Malaysia was an act of neo-colonialism. But more important, Indonesia felt threatened by the presence of western states because Sukarno feared that their presence would lead to a kind of encirclement of Indonesia. Subsequently, Sukarno embarked on a military expedition against Malaysia and the British known as Konfrontasi, the Indonesian word for confrontation. Also Indonesia’s disapproval of the Western camp was evident in the way its President Sukarno moved towards China and joining the anti-Western camp. It led to the creation of the Jakarta-Beijing axis. The other member of the MAPHILINDO, the Philippines had close ties with the US and thus chose to maintain distance from the situation; it proved its allegiance to the Western Camp and Philippines decided to remain a part of the Old Established Forces. Certainly the Philippines failed to feel strongly about Indonesia’s struggle


3 Old Established Forces is a term used first by the Indonesians to identify the imperial forces of Southeast Asia, the Capitalist countries of the West viz Britain and the United States (and their allies). They were pitted against the view of emerging states and against communist states – they were called New Established Forces. For Sukarno the international scene was gigantic stage upon which a dramatic confrontation between the Emerging Forces and Old Established Forces was played out in terms of good and evil forces. With the assistance of and support of the Partai Komunis Indonesia (PKI), Sukarno attempted to forge a Jakarta-PhnomPenh-Beijing-Hanoi-Pyongyang axis to fight the forces of Neo-colonialism, Colonialism and Imperialism (Nekolim). See, Fredrick P. Burnell, “Guided Democracy Foreign Policy: 1960-65, President Sukarno Moves from Non-Alignment to Confrontation”, Indonesia, vol.2, October 1966, pp.33-76.
against neo-colonialism. Such, lack of commonality of goals and purpose resulted in the gradual disintegration of the organisation.

In the case of ASA, its three members were convinced of the positive power of extensive intra-regional cooperation. However, Peter Lyon explains that because of the historical circumstances and the burgeoning of their respective economies the states have had closer relations with outsiders than amongst themselves. Consequently the feeling of 'one region' has been stunted.4 Malaysia's attempt at acquiring an 'Asian' identity misfired due to the negative reaction of most of the countries.5 Indonesia on the other hand felt that ASA was merely a façade of the Southeast Asia Treaty Organisation (SEATO), the latter was the military Cold War alliance in Southeast Asia led by the US. On the economic front, ASA failed to grow into a common market because the member states were not at that time, in the dire need of a common market. At the political front ASA the organisation was put to test with the formation of the Federation of Malaysia in 1963 and the territorial conflict over Sabah and Sarawak in North Borneo. It signalled the ineffectiveness of ASA in handling regional politico-security crisis. It also heralded the end of the organisation proving that the situation and complexities of the region as well as the hedonistic attitude of the states hindered genuine cooperation. Therefore, it was no paradox that the very national aspirations that led to the founding of ASA also resulted in its demise.

These observations provide substantive support to the fact that so long as attempts at regional cooperation were based entirely on indigenous issues and through indigenous efforts they failed because of the lack of feeling of mutual empathy and because of tensions between the members. It took some time before conditions were ripe for renewed attempts at rejuvenating intra-state relations. Two events in 1965 were pertinent in this context. First, were the withdrawal of Singapore from the Federation of Malaysia and the subsequent liquidation of the Federation of Malaysia. It resulted

5 Malaysia's hopes for an Asian identity did not work because Malaysia had its own problems of formation during independence. In 1961, Abdul Rahman mooted the idea of forming Malaysia consisting of Brunei, Malaya, sabah, Sarawak and Singapore of which were British colonies. The first opposition to it came in the form of Brunei's revolt. In 1963 Malaysia came into being. This merger alarmed other countries as the Philippines another member of the ASA opposed the inclusion of Sabah. Indonesia saw this as neo-colonial step. Singapore also felt uncomfortable with the Federation and left in 1965. Therefore Malaysians did not set a very convincing precedence of an Asian identity.
in dissipation of tensions in the Indonesian archipelagic region. Second, were the regime change in Indonesia, and the end of Konfrontasi had made the regional climate congenial for regional cooperation. Yet the single largest factor that united the states of Southeast Asia was the fear of Communism and China. This was to the benefit of the Western camp, and was supported by the US; by that time, the US was involved in the Indo-China region in anti-communist campaigns. ASEAN was born at a time when British involvement in the region was decreasing and was replaced with US ascendance and involvement. It must be noted that all the five states of ASEAN were following the free market model and were pro-Western in their foreign policy orientations. Most of these countries received US assistance in military affairs. It is therefore only logical that the latter had considerable, if not decisive, influence in creating a conducive environment for the establishment of the ASEAN. The organisation has a longer longevity than its predecessors was due to the feeling of insecurity rising out of the events that unfolded in the 1970s with the Cambodian crisis, that lasted till early 1990s. It made the member states realise the significance of regional cooperation especially under duress.

The Vietnamese invasion into Cambodia in 1975 set the panic button in ASEAN and thus one can understand the enormous significance of the TAC as an antidote to the complex Cold War ball game. The Treaty was also an explicit proof of ASEAN’s growing concern regarding the security situation within the region. Under Article 2 of the aforesaid treaty, the provisions were clearly spelt – respect for independence, freedom from external interference and coercion was given due importance, besides the principle of non-interference and non-use of force were accepted as a matter of principle. The Treaty also forbade any signatory state from acting in any manner that would constitute a threat to another contracting state. The TAC was complemented by the Bali Concord also known as the ASEAN Concord signed alongside the former. The Concord identifies means of political, economic and socio-cultural cooperation; it emphasises on the improvement of the ASEAN operational machinery – the Secretariat, organisational structure and study the desirability for a constitutional framework. The Concord however diluted the organisation’s interest in security by putting down in very clear terms that cooperation in security matters will continue

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7 Article 10, in Ibid.
between member states on a 'non-ASEAN' basis in accordance with mutual needs and interests. Thus, the Concord was encouraging bilateral security cooperation to multilateral means. A look at both these treaties would support the view that during the Cold War, ASEAN’s identity was dwindling between a socio-economic organisation and a politico-security one. No wonder, ASEAN failed to put together an act that would disarm the belligerents and end one of the bloodiest wars in the recent history of Southeast Asia – the Vietnam Cambodia conflict.

Whatever security perceptions it carried was inadequate and not reflective of the security perceptions of the entire region. For one, ASEAN was responding to a security problem in a part of the region that was not incorporated within its membership. Thus its functional parameters and the geographical domain where the crisis actually prevailed were not congruent. Logically, ASEAN’s perceptions and reactions to the Indo-China crisis were more to immunise its members from such conflicts flowing from communist influences and less to provide a genuine solution to the critical situation there. So the treaties that were born during these troubled times were reflective of the ‘we versus they’ attitude of the organisation. It is quite evident that ASEAN suffered from an inherent vicious problem – the Cold War that conditioned its birth and provided immunity to some States against communism was also responsible for the inability of the organisation to provide a befitting solution simply because it failed to reach out to the communist States of Indo-China. ASEAN during the Cold War days could never play the role of the regional guardian, on the contrary for long it continued to remind one of the proof of prominent the ideological divide in Southeast Asia. If at all for security, the organisation’s perception was anyway limited to the member states only and naturally ASEAN prioritised the security of its original members to the security of others.

Notwithstanding the weaknesses of ASEAN in responding to the most critical problem of Southeast Asia during the Cold War period, it must be acknowledged that its treaties have been particular about providing the region with some kind of immunity against external intervention. Yet the treaties have been born in reaction to political developments within Southeast Asia involving external powers during the

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8 Text of the Declaration of the ASEAN Concord, Indonesia, February 24, 1976.
Cold War. For instance, in the late 1960s the US announced disengagement of its forces from Indo-China in the future (Guam Doctrine). It was followed by the realignment of Cold War players – US and China. In response to the development, ASEAN made the ZOPFAN Declaration. Here, it is important to take note of the fact that initially there was a Malaysian proposal to neutralise Southeast Asia. Malaysian Prime Minister Tun Abdul Razak while making the proposal had China in mind. The ZOPFAN Declaration was signed in 1971 and in keeping with the spirit of the Malaysian proposal; the Declaration stressed that every state irrespective of its size has the right to fearless existence free from any form of outside interference. Though when the ZOPFAN was signed, outside interference meaning any state outside Southeast Asia, yet ZOPFAN was a document that was reflective of the political priorities at that time. During that period, external interference would basically mean, interference by communist powers – the Soviet Union but more important China. As far as Western powers were concerned particularly the US, it seemed that a compromise had already been worked out so that the Declaration would not hamper the pre-existing bilateral military ties between the US and the some of the member States of ASEAN. Interestingly, in the same organisation while Malaysia stressed on the neutralisation of Southeast Asia, Thailand and the Philippines were military allies to the US. It may also be noted that outside interference can also mean when a member state of the ASEAN is attacked by another member state. In this context it must be understood that if ASEAN members were perturbed by the Vietnamese invasion, then ZOPFAN could not be applied to the Indo-China conflict because none of those states were members of ASEAN. Therefore ZOPFAN is a noteworthy step towards the evolution of norms for ASEAN, but its application and utility in practice particularly as an antidote to conflicts was very limited. On the other hand, ZOPFAN can be viewed as a product of the catalyst effect of external influences on Southeast Asia wherein states decide to take or not take certain measures so as to immunise themselves from the impacts of such external influences. However at the same time, the Declaration exposed the weakness of ASEAN – the contradiction between the aspiration for regional autonomy and the reality of strategic needs of the member states.

Going back to the discussion on the Treaty of Amity and Cooperation and the Declaration of the Concord, as mentioned earlier, were signed in reaction to the
emergence of revolutionary communism in the Indo-China region. It was these documents that produced six principles that was to guide ASEAN's activities in the future.⁹ Thus, it seemed that the ASEAN members, for the first time, stressed on a collective corporate identity of the organisation. It was provided in Article 12 of the Treaty that the states would endeavour to cooperate in all fields for the promotion of regional resilience; the stress on cooperation would help ASEAN become a viable community of nations in Southeast Asia.¹⁰ The Treaty however did not feature any exceptional provision except stressing on respect for national sovereignty and non-interference in another’s domestic affairs. The Treaty did stress on the peaceful settlement of disputes, taking assistance of the High Council, yet processes of the High Council can be applied if only all parties to the dispute agree to seek assistance for that particular dispute. It is apparent that peaceful settlement of disputes through the TAC will be subjected to the good will of the parties to the dispute. The TAC is said to have introduced the ‘security through peace’ approach. However TAC as a Treaty fails to address to conflict situations where force is already in use.¹¹ It would be difficult to imagine how the TAC could have addressed the Vietnam Cambodia situation had they been referred to the ASEAN. Moreover when the TAC was born there was nothing in semblance to Confidence Building of the CSCE. Though there was no urgency to establish confidence in Southeast Asia during that period and though there was no mention of the word confidence in any part of the TAC, one can find some relation between Amity and confidence. Amity will establish confidence about other members of the region and Chapter II (titled Amity), Article 3, reads,

In pursuance of the purpose of this Treaty the High Contracting Parties shall endeavour to develop and strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and cooperation that bind them together and shall fulfil in good faith the obligations under this Treaty. In order to promote closer understanding among states them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their people.¹²

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⁹ These six principles of the TAC include: i) mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all the nations; ii) free from external interferences, subversion or coercion; iii) non-interference in the internal affairs of one another; iv) settlement of differences or disputes by peaceful means; v) renunciation of the threat or use of force; vi) effective cooperation among themselves.

¹⁰ Article 12, the Treaty of Amity and Cooperation, Indonesia, February 24, 1976.

¹¹ Muthiah Alagappa, “Regional Arrangements and International Security in Southeast Asia: Going Beyond the ASEAN”, Contemporary Southeast Asia, vol.12, no.4, pp.292.

¹² Chapter II, Article 3, Text of the Treaty of Amity and Cooperation , Indonesia, February 24, 1976.
This article not only carries the message of Confidence Building but perhaps is one of the earliest references to the need of Track II means of interaction especially where it urges the states to facilitate contact and interaction among populations of the states. However in course of time, the repetitive stress on freedom from external interference and intervention both in the ZOPFAN and in the TAC has resulted in the evolution of the principle of non-interference. This principle or norm has become one of the pillars of ASEAN diplomacy which shall be discussed shortly.

ASEAN's interest towards the security issues of the region has become gradually explicit in the ways it has functioned over the years. Notwithstanding the political compulsions during the Cold War period, one of the most important functions of ASEAN has been the production of norms and principles. The Constructivists would argue that norms and principles not only set out a guideline for the organisation, it also provides ASEAN with an exclusive identity of its own. For instance, the TAC codified norms for managing a regional order that had first been set out by the ASEAN Foreign Ministers in April 1972 as guidelines for realising the ZOPFAN. In course of time as the TAC has evolved, it has provided the organisation a distinct identity, such that its Confidence Building processes are also considered much different to that of the Western counterparts (primarily the CSCE). Acclaimed scholar Michael Leifer has thus stressed on the significance of norms in ASEAN. ASEAN's way of functioning is so unique that it is known as the 'ASEAN way'. It is based on multilateral dialogue but the most striking feature is the incorporation of informal methods in arriving at decisions and policy formulations. Amitav Acharya described the ASEAN way as codes of behaviour characterised by a high degree of discreetness, informality, pragmatism, expediency, consensus-building and non-confrontational

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13 Aijbewa defined principle "as a concept to the point where it becomes a part of subsidiary law or an idea, which is/might be still in process of development and acceptance." Aderemi Isola Aijbewa, "A Framework for Internal Regional Conflict Resolution in the Southeast Asia Context", *The Indonesian Quarterly*, vol.25, no.2, Second Quarter, 1997, p.172.

14 Constructivists emphasise on the shared norms key to approaching actors' interests. The behaviour of each participating state is based on cooperative norms that are prepared over a period of time. Constructivists also argue how dominant normative structures, at the domestic level (of the ASEAN members) can influence their international relations as much as dominant norms in the international society have led to changes in domestic politics. Jurgen Haacke, Op.cit. no.14, pp.57-87.


16 Michael Leifer, "ASEAN's Search for Regional Order", *Faculty Lecture*, no.12, Singapore, Faculty of Arts and Social Sciences, National University of Singapore, 1987, p.14.
bargaining style. It entails behavioural norms encapsulated in a code of conduct and a set of procedural norms. Leifer has appreciated the valuable capacity of the consensus style in settling intra-mural differences. Decision making is based on building consensus and consultation adopted from Indonesian democratic culture - musawarah and mufakat are the two vital components of Indonesian democratic governance. Leifer again had gone on to in identifying consultation and consensus as not only the ASEAN way but also an inseparable component of the ASEAN Model.

In his own words, "[w]ithin ASEAN, security has been addressed through consultative and dialogue rather than through conventional collective security and formal mechanisms for settling disputes. This is the essence of the so-called ASEAN model." Yet his positive statements must be compared with his observations on the real practice within the ASEAN. He writes, "[t]he Association's practice of consultation and cooperation has consciously avoided formal multilateralism in favour of informal bilateral arrangements to address particular tensions between member governments.....Moreover, although the Treaty of Amity and Cooperation made provisions to establish formal mechanisms for settling disputes, it has never been invoked for that purpose." One can also go through the roadmap of the resolution to the Cambodian crisis to prove ASEAN’s reliance on informal to formal interactions although by then the TAC had already come into existence.

In the first phase of the crisis, ASEAN’s attempts to brand Vietnam as the illegal aggressor and to place the UN in the forefront led to a virtual deadlock between ASEAN and the Indo-China. Vietnam’s aggression of Cambodia in 1979 was considered a violation of the TAC. Thailand in particular felt insecure about Vietnamese aggression but to the surprise of ASEAN it had struck a secret alliance with China. It was reflective of the lack of confidence in ASEAN’s ability to deal with the crisis. In the later phase of the crisis ASEAN’s attempts to find a resolution to the problem was complicated by differences amongst the members of the

18 Ibid. p.329.
21 Ibid. p.12.
organisation. However, it is in this phase the most important contribution by the
ASEAN was made by arranging informal workshops so as to seek solution to the
Cambodian crisis – Jakarta Informal Meeting (JIM). The workshop did the homework
that led to the Paris International Conference on Cambodia (PICC). When the UN
decided to hold elections under the aegis of the United Nations Transitional Authority
in Cambodia (UNTAC), it was supported by the organisation.23 Thus ASEAN did not
play the primary role in Cambodian crisis instead it provided assistance to the UN.
The ASEAN also failed to apply the Treaty of Amity and Cooperation. Instead, what
is noticeable here is ASEAN's reliance on informal interactions to official ones.
Michael Leifer makes very important observations about ASEAN's peace processes.
He writes that, "...the very notion of a peace process misrepresents the remit of
ASEAN as a multilateral security dialogue. ASEAN relates to peace through a general
influence exercised on member governments to observe standard international norms
and not through applying any distinctive process to a particular conflict which may be
transformed as a consequence." 24 He feels that, "...although ASEAN has also acted
as a diplomatic community with a collective voice beyond its walls within and
without Southeast Asia, the Association has never been effectively responsible for
regional peace-making as opposed to helping to keep the peace through exercising
benign influence on the overall climate of regional relations." 25 Leifer has emphasised
the primacy of informal processes, "... it would be a category mistake to posit an
ASEAN peace process other than in a loose sense whereby a characteristic modality
of informal dialogue is employed which may be accommodated within the model of
cooperative security (sic)." 26

The principle of non-interference is another critical component of the 'ASEAN Way'.
Although it has a normative aspect, Jeannie Henderson shows that the principle was
guided by at least three practical considerations. First the members feared external
support for their domestic communist insurgency and hoped that the principle of non-
interference would act as an effective preventive, second, it would prevent member

23 For a good idea on ASEAN's role as in resolving the Cambodian crisis, see, Shankari Sundaraman,
"ASEAN Diplomacy in Conflict Resolution: The Cambodian Case", Strategic Analysis, vol.21, no.7,
24 Michael Leifer, "The ASEAN peace process; a category mistake", The Pacific Review, vol.12, no.1,
25 Ibid.
26 Ibid.
states from interfering in the ethno-religious problems and political challenges within any member state and third, states were in no mood to compromise their sovereignty and political independence to any supranational organisation and thus non-interference would help uphold their sovereignty.\textsuperscript{27} Also, the evolution of this principle was based on two practical considerations. First was to avoid a repetition of the Vietnam-Cambodia like imbroglio that would imperil the security of the region. The idea was to keep at distance aggressive outsiders and probing neighbours from challenging regional and organisational autonomy. Second was to counter any possibility of an uninvited interference or intervention within the domestic affairs of the member states. Ever after independence, the states of Southeast Asia are extremely concerned about their domestic security and stability, besides they faced the uphill task of nation building. Acceptance of non-interference as a principle is expected to help states to run their systems without fear of either external criticisms or interference.\textsuperscript{28} Over the years this principle of non-interference has come under scrutiny and provokes debate especially in the post-Cold War period.

The need to change the principle of non-interference has been realised in course of the evolution of the ‘ASEAN Way’. A number of issues have led to the change of attitude within ASEAN. A very obvious reason is the change in the nature of security threats – it is more comprehensive and inter-related. It calls for cooperative endeavours in dealing with complex security problems. Globalisation has created a new environment where the borders are far more permeable not only in the sense of military security but more in terms of non-military security. There is a general feeling that the state is on the retreat as it is unable to provide immunity against economic, environmental and humanitarian crisis. Dealing with security threats well beyond national borders needs to be dealt through cooperation with fellow states of the region. Besides, the environment of the 1960s when the ASEAN was born is no longer prevalent. Until the 1990s there was a strong feeling that the region should remain insulated from power politics especially that which involves external powers. Times have changed and with the end of the Cold War there is a growing need to cooperate with each other. New ideas are replacing old ideas like non-interference is being replaced by constructive

\textsuperscript{28} See, Hiro Katsumata, “Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the ASEAN Way”, Contemporary Southeast Asia, vol.25, no.1, April 2003, pp.104-121.
engagement – flexible engagement, constructive intervention and constructive involvement. It is particularly important when new states have been admitted into the ASEAN, their security problems has also exerted pressure on the organisation. As a responsible regional organisation, at times it may intervene in the affairs of a state or states when necessary. The conventional rationalists consider this change essential to deal with the emergent situations within Southeast Asia. As they see it, “The strict adherence to the principle of non-interference ... has been some evolution ... towards reforms...towards a more open and frank discussion.” Jusuf Wanandi points out that, “changes in the principle of non-intervention are in a state of passé.” In this context it must be understood that changes will not take place overnight nor will it be smooth. Changes are also a part of the evolution of the ‘ASEAN Way’. Other developments are also substantiating the changes in the ‘ASEAN Way’ which will be discussed in course of this discussion.

ASEAN has been very serious about conflict resolution which is related to its emphasis on pacific settlement of disputes. There are formal methods to conflict resolution which over the time have evolved into permanent processes of interactions. The ASEAN Summits is the highest decision making body as well as the forum for political cooperation among member states. Till the fourth summit the ASEAN members could not meet annually, but since the fourth summit at Singapore it had been decided to meet every three years. Soon it was decided at the fifth summit that there would be annual Informal Summits in between formal ones. Therefore ASEAN members have been cognisant of both formal and informal means of interaction. The next level of interaction has been the ASEAN Ministerial Meetings (AMM) that is convened annually on an adhoc basis. Till 1977 AMM meant meets of ASEAN Foreign Ministers, but thereafter, AMMs are held in various sectors – finance, health, and education. Another form of official interaction is the Post Ministerial Conference (PMC) that is held by the foreign ministers of AMM. It provides a good opportunity

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to interact with counterparts of the dialogue partners of the organisation. Later, from this the idea of the ARF was derived. At the level below are the Senior Officials Meetings (SOMs) that are organised to assist the Ministerial Meetings. Such meetings have been taking place since 1987 after the Third ASEAN Summit at Manila. In course of time, these SOMs have become institutionalised mediums of political interactions providing valuable inputs to the ministerial meetings as a part of the outcome of their dialogues. In addition, since 1994, special SOMs have been held to bring together political and more important defence officials so as to enhance interactions and cooperation in both these fronts.33 Apart from the ASEAN multilateral dialogue processes, there are provisions for formal bilateral mechanisms to solve disputes. There are bilateral mechanisms that can be arranged at an adhoc basis to solve bilateral problems – both political and security issues. For instance, in 1993 a bilateral dialogue between the Philippines and Malaysia helped dilute the Sabah dispute between these two states. In a different case a meeting was held in 1998 at Kuala Lumpur between the Prime Ministers of Malaysia and Singapore respectively. Tensions between the two states involved a number of issues34 including a demand by Singapore to move Malaysian customs centre from the former’s downtown area Tanjong Pagar to the border region of Woodlands. Singapore had also decided not to allow Malaysians particularly Peninsular Malaysians withdraw their savings from Singapore provident fund. Tensions were simmering over Lee Kuan Yew’s comments on Malaysia. The meeting did not find solution to all the problems but at best it was decided by both the sides that the countries would not leave other bilateral problems unresolved just because some could not be resolved.35 Thereafter such bilateral discussions between these two states have become common. Other institutionalised processes of bilateral dialogues include a number of joint commissions on borders between states – Malaysia and Indonesia,36 Malaysia and the

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33 For an idea on how these institutionalised processes of dialogues function and strengthen inter-state cooperation, see, Jamil Maidan Flores, ASEAN: How it Works, Jakarta, ASEAN Secretariat, 2000.


35 For the chronology on ASEAN diplomacy during the Cold War, see, Donald Weatherbee (ed), Southeast Asia Divided: The ASEAN Indo-China Crisis, Boulder, Co, Westview Press, 1985, pp.131-145.

36 On completion of 50 years of Indonesia-Malaysia diplomatic relations several important decisions were taken by Malaysian Prime Minister Badawi and Indonesian President Bambang Yudhono. The
Philippines, Malaysia and Thailand and Thailand and Myanmar. In their interactions and dialogues Confidence Building is important. In response to the recent border spat between Thailand and Cambodia, a Joint Border Commission is meeting at Thailand to address the problem of the 805km of shared non-demarcated border between the two states.

Other bilateral methods include joint military exercises between states of Southeast Asia. Going by Khoo How San's concept of ASEAN as 'Neighbourhood Watch Group', the organisation has a stake in regional stability. Each state has an interest in political stability and ideas associated with it. This framework encourages mutual cooperation especially in defence cooperation. The interaction and cooperation between original members of ASEAN along with Brunei (ASEAN-6) have been quite

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37 Malaysia and Philippines in 2007 have agreed to joint border patrols in order to prevent criminal activities in their maritime borders; a Border Patrol Coordinating Group (BPCG) has been established that meets periodically to review the process. Later both the countries signed the PhilMal Standard Operations Procedure according which to the Malaysian Chairperson of the BPCG will, "see the BPCG mechanisms in both countries to be implemented smoothly and even subjected to improvement and refinement from time to time". Bernama, Malaysia, April 13, 2007; also see, Daily Express, Sabah April 8, 2007.

38 At the 10th Meeting of the Thailand-Malaysia Joint Commission on Bilateral Cooperation the Mr.Nitiya Pibulsonggram Minister of Foreign Affairs of the Kingdom of Thailand, expressed his deep satisfaction over the progress in development of border areas and demarcation of borders. He mentioned that, "in the year 2004, our leaders agreed to set up a cooperation framework to focus especially on the border areas of our two countries, namely the Malaysia-Thailand Committee on Joint Development Strategy for border areas or the JDS." This as he sees will improve the standard of life living on both sides of the border. He also added the significance of Confidence Building between both the countries that can established through the improvement of mutual cooperation in the political, economic and security of both the countries. For more, see, Opening Remarks by His Excellency Mr.Nitiya Pibulsonggram,Minister of Foreign Affairs of the Kingdom of Thailand at the Tenth Meeting of Thailand-Malaysia Joint Commission for Bilateral Cooperation, Bangkok, Thailand, June 29, 2007.

39 In the case of Thailand and Myanmar the Joint Border Commission has been followed by the establishment of the Joint Border Commission in the mid-1990s. In 1997 a Joint Agreement on Border Crossing has been signed. See Synopsis of the Cabinet Meeting, Government Spokesman Bureau, Secretariat of the Prime Minister, Bangkok, 1997.

40 These ideas include: good neighbourliness, a hallmark of which is the prerequisite of "getting to know each other"; non-interference and respect for sovereignty; territorial integrity; national and regional resilience; and consensus and consultation. To know more about the concept of Neighbourhood Watch group see, Khoo How San, "ASEAN as a "Neighbourhood Watch Group", Contemporary Southeast Asia, vol.22, no.2, August 2000, p.279-301.

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regular, but the late entrants, the Indo-China states are yet to catch up with the senior members in matters of bilateral military cooperation including joint exercises. The only exception is the joint naval exercises between Thailand and Vietnam in the Gulf of Thailand. These measures in the long run strengthen the idea of a security community.

The legal instruments of ASEAN include the TAC and the ZOPFAN. The TAC can be read as the most important piece of legal document providing ASEAN valuable guidance in its conduct. Articles 13-17 of the TAC clearly state the need for pacific settlement of disputes – it reverberate the organisation’s resolve to solve its own problems on its own. The TAC provides for a High Council made up of ministerial level representatives of signatory states; they recommend ways of settling disputes through mediation, inquiry or conciliation in order to settle their problems. The High Council until recently was not actually in a position to take up issues of dispute. It is perhaps because the entire arrangement was voluntary and there is no full-proof arrangement that would ensure the neutrality of the members of the Council. In the bilateral disputes, between Malaysia and Indonesia (Konfrontasi), between Malaysia and the Philippines, between Indonesia and Singapore, and between Singapore and Philippines, the High Council could hardly do anything. Anthony speaks of informality in conflict resolution that which he describes as diplomacy of accommodation. Neither could ASEAN play an independent and efficient role in dealing with the Cambodian crisis. The reasons have been mentioned already wherein Indo-China was a region beyond the ambit of ASEAN at least during the Cold War period.

In course of time especially after the Cold War period as the membership of the organisation has expanded, the Treaty of Amity and Cooperation has been amended to be more inclusive. It was amended in 1987 and then again in 1998. Both the

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42 Yet the offer to establish a hotline between Bangkok and Hanoi was refused by Hanoi. For more see, Amitav Acharya, *Ibid*, p. 150.

amendments were aimed at accommodating new members within the region and dialogue partners who are outside the region of Southeast Asia. Besides, the High Council now stands far more empowered under the adopted Rules of Procedure of the High Council of the Treaty and Cooperation in Southeast Asia in 2001. The new Rules of Procedure of the High Council clearly breathe life into its capacity to settle disputes peacefully. However Article 9, under section IV titled Initiation of the Dispute Settlement Procedure, clearly mentions, "Unless written confirmation has been received from all parties to the dispute in accordance with Rule 8, the High Council may not proceed any further on the matter." This leaves an element of uncertainty in the Council’s capacity to settle disputes within its jurisprudence. Nonetheless, the acceptance of the Rules of Procedure is reflective of the fact that member states had begun to believe that acceptance of such rules and provisions would also strengthen the institutional processes and mechanisms; it will in turn provide impetus for true and lasting peace. It will also act as a measure of Confidence Building within Southeast Asia.

While the TAC is a guide to ASEAN’s conduct as a corporate entity, the ZOPFAN is a guide to the code of conduct between the member states and the outsiders. ZOPFAN reiterates ASEAN’s basic ideal of immunising the region from external interference. This document is also a proof of ASEAN’s intent of neutrality. It is a way to keep disputes at a distance from ASEAN. It is an ideal situation whereby ASEAN would be free from external intervention and pacific settlement of disputes would be the closest to the ideal.

Realistically, a dispute free region is virtually impossible. Therefore the importance of pacific settlement of disputes is consistent. In this context, Rajshree Jetly borrowing from C.R. Mitchell, emphasises that ASEAN is into conflict management instead of conflict resolution. She defines conflict management as, the way in which a society attempts to deal with its inter-party conflicts and is inclusive of a wide range of techniques under three broad heads: conflict avoidance, conflict prevention and

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45 See the Statement of His Excellency Domingo L. Siazon, Jr Secretary of Foreign Affairs of Philippines at the Opening Ceremonies of the 33rd ASEAN Ministerial Meeting, Bangkok, Thailand, July 24, 2000.
Conflict resolution. Conflict avoidance, prevention and resolution have become a part of ASEAN's normative domain and has been emphasised particular in the ARF's Concept Paper. ASEAN's position on conflict resolution of its regional problems is in consonance with UN Charter. In Chapter VIII, Article 52, the Security Council encourages the development of pacific settlement of local disputes through the regional arrangements.

Most of ASEAN's diplomatic and security culture had evolved through the treaties of TAC, ZOPFAN and SEANWFZ. The SEANWFZ was relatively a recent treaty signed in the 1995 in response to China's growing nuclear potential (China conducted a nuclear test the next year in 1996) and also keeping mind the nuclear powers in the Asia Pacific. The SEANWFZ is considered an essential component of the ZOPFAN and is in harmony of the spirit of Nuclear Non-Proliferation Treaty. The SEANWFZ Treaty puts down quite explicitly and elaborately the need of keeping Southeast Asia free of nuclear weapons. It implies that no signatory state within the region can produce nuclear weapons. It also ensures that no external nuclear power can equip any Southeast Asian state with nuclear weapons; supplies of nuclear materials cannot be used for weapons. The Treaty refers to the Principles and Objectives of the Nuclear Non-Proliferation and Disarmament, adopted at the review and Extension conference of the Parties to the Non Proliferation Treaty (NPT), that the cooperation of all the nuclear-weapon States and their respect for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant

48 Article 52 reads, 1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35. See, "Regional Arrangements" Chapter VIII of the Charter of the United Nations, San Francisco, June 26, 1945.
49 Article VII of the Nuclear Non-Proliferation Treaty recognizes the right of any group of states to conclude regional treaties in order to assume the total absence of nuclear weapons in their respective territories.
protocols.50 Furthermore, Article 3 entitled Basic Undertakings of the Treaty reads that, “each of the signatory state shall not allow any other state develop nuclear weapons, nor station nor test nuclear weapons on its own territory.”51 Besides, the Treaty ensures environmental security by preventing dumping of radioactive materials and hazards caused by nuclear pollution. It is also necessary to take note of the fact that the Treaty has provided for report and exchange of information pertaining to any development in the nuclear world in this region and that is related to the Treaty.52 Not only that, a signatory state may seek clarification from another regarding any development that looks ambiguous in context of the Treaty provisions, if necessary. Fact finding missions maybe employed in order to clarify and find resolutions to complications. Such far sighted provisions will not only ensure the successful application of ZOPFAN, it can also be seen as a noteworthy step towards Confidence Building. Yet the term Confidence Building is not mentioned in any part of the text of the Treaty.

It is apparent that provisions of the treaties discussed have provided valuable input in helping ASEAN develop as a credible regional organisation. ASEAN’s role as a credible organisation is also largely dependent on the successful functioning of the ‘ASEAN Way’ as it has evolved. Yet, there is no unanimity on how to look at the ‘ASEAN Way’. At least three ways are found that try to conceptualise this ‘ASEAN Way’. First approach sees the ‘ASEAN Way’ as an intramural approach to dispute settlement and Confidence Building,53 second approach associates it with consensus and consultation;54 and third one conceives the ‘ASEAN Way’ as a process of acquiring a distinct identity based on modern principles of inter-state relations and based on traditional and culture specific modes of socialisation and decision making.55 The best is to conceive the ‘ASEAN Way’ as the assimilation of all these three

51 Article 3 (2) in Ibid.
52 Article 11 in Ibid.
perspectives. Yet there is no unanimity regarding what constitutes the ‘ASEAN Way’ or regarding the credibility of the organisation as a successful diplomatic and security community. Acharya who has discussed extensively on the ‘ASEAN Way’, has distinguished it from ASEAN norms. To him ASEAN norms include principles like the non-use of force and the pacific settlement of disputes, regional autonomy and collective self-reliance, non-interference and the conscious rejection of an ASEAN military pact in favour of bilateral defence cooperation.\textsuperscript{56} On the other hand, Acharya, associates ‘ASEAN Way’ with social practices culture-specific norms that has nourished the multilateral organisational framework and will continue to sustain the multilateral institution building. He adds that the socio-cultural norms have a natural preference for informality, consultation and consensus building and a conscious attempt to avoid formalisation of cooperation.\textsuperscript{57}

The security scenario of Southeast Asia has changed in the post-Cold War period but it has not decreased in complexity. Thus it became evident that ASEAN as a socio economic organisation would not be able to address those problems. It has resulted in two developments. First, change the ASEAN way by introducing new norms and principals in the ASEAN. Second, delegate the responsibility of managing political and security issues of Southeast Asia to a separate institution – thus the ASEAN Regional Forum (ARF) was established in the first half of the 1990s. In order to understand the security aspect of ASEAN, one has to go through the complicated relationship between ASEAN and the ARF. But first it is imperative to understand the kind of changes that have taken place in ASEAN norms and principles. It will involve a discussion of the amendments to the existing treaties and formulation of new provisions. It will be followed by looking at the role of the ARF in dealing with strategic issues of the region.

The ‘ASEAN Way’ has been guiding principle for interactions among member states. The treaties like the TAC the ASEAN Concord, the ZOPFAN have contributed towards the ASEAN Way. In the Post Cold War period, some of these treaty provisions have been updated as ASEAN expanded its functional parameters and as emergent threats particularly of a non-military nature began challenge its credibility

\textsuperscript{56} Ibid. pp.47-62.
\textsuperscript{57} Op.Cit, no.17, p.320, p.324.
as a regional organisation. 1997 was a year marked by various security problems in Southeast Asia. It included the economic crisis, the forest fires of Indonesia, the political turmoil in Cambodia, Myanmar’s accession and its reactions. Of these, it was the Asian financial crisis in 1997, and perhaps, the haze problem that acted as catalysts in consolidating the identity of the organisation. In fact Acharya has shown that ASEAN’s identity until 1997 “was in the making”, but since the economic crisis ASEAN is moving towards an organisation with an “identity in being”. The Hanoi Declaration along with the Hanoi Plan of Action both signed in 1998, was a response to the kind of non-military threats that have challenged Southeast Asia. The Hanoi Plan of Action with a time frame of 1999-2004 provides for an elaborate agenda that enhanced the scope of cooperative interaction between the member states. In the post-crisis period it became imperative to strengthen macro economic and financial cooperation. Section I of the Hanoi Plan of Action emphasised the need to strengthen the ASEAN Surveillance Process (ASP); strengthen the financial systems of Southeast Asia. Yet experts have been sceptical of the success of the ASP. Experts have conceded that, “Since the ASP is voluntary and not compulsory, member countries will not comply and disclose the necessary information for the surveillance system to be effective.” Herman Kraft makes it clear,

[t]he efficacy of an economic surveillance system is dependent on the willingness of the ASEAN states to provide extensive amounts of data and information regarding their economy. This seemingly innocuous requirement however has political implications. It requires the acceptance in principle of the need for a degree of transparency that some members of the organisation have found objectionable. Malaysia and Singapore have opposed turning over the kind of macroeconomic data needed to sustain this policy…Laos, Myanmar and Vietnam have likewise been reported as registering their misgivings about it. The plan has been bogged down before it had a chance to be tested.

The Hanoi Plan of Action also plans to develop the ASEAN capital markets; it stresses the need to coordinate supervision of programmes to strengthen capital

markets. In case of political and security cooperation, the Hanoi Plan of Action reiterates the need to implement the provisions of the TAC, the ZOPFAN and the SEANWFZ including the protocols attached to the treaties. The Plan of Action emphasised the need to promote Confidence Building measures especially between claimants to the South China Sea.

In the political front, two of the most ambitious treaty formulations include the ASEAN Concord II and the ASEAN Vision 2020. It can be recollected that the original ASEAN Concord was signed in 1976 along with the TAC. The ASEAN Concord II signed in 2003 is indeed an ambitious treaty that introduces the concept of concert of nations in Southeast Asia. The concert is a term reminiscent of the nineteenth century diplomatic history, precisely that of the Concert of Europe (1815-1853) marked by relative stability and peace. The concept of the concert is based on the formation of the ASEAN Community. This community is based on three pillars – an ASEAN Security Community, an ASEAN Economic Community and the ASEAN Socio-Cultural Community. The Concord continues to accept the importance of the TAC as the code of conduct and the ARF shall remain the primary forum in enhancing political and security cooperation in the Asia Pacific region. Section 4 of the Concord emphasised that “ASEAN shall nurture common values, such as habit of consultation to discuss political issues and the willingness to share information on matters of common concern, such as environmental degradation, maritime security cooperation, the enhancement of defence cooperation among ASEAN countries, develop a set of socio-political values and principles, and resolve long-standing disputes through peaceful means.” These words clearly recognise the need for Confidence Building. In pursuance of the need to establish the ASEAN Security Community (ASC), talks have been already started by Indonesia. Much of this urge is due to the growing pressure from external fronts in reaction to security problems in East Timor and Islamic fundamentalism. A security community entails establishment

62 Article 1.5 in Op.cit.no.56.
64 Section 5 and Section 6 of the Declaration of ASEAN Concord II (Bali Concord II), Bali, Indonesia, October 7, 2003.
65 Section 4 in Ibid.
of a regional peacekeeping force; such a force is expected to be established by 2012. Until recent ASEAN had shunned from any military component to its organisation, thus an ASEAN Community with a regional peacekeeping force will be a very important change in the nature of ASEAN. The proposal offered by Indonesia, planned to establish the security community by 2020. It would commensurate with the establishment of other two communities – ASEAN Economic Community and the ASEAN Social and Cultural Community, all by the year 2020.

Vision 2020 is a futuristic treaty that seeks to ensure a complete and successful implementation of the fundamental treaties and declarations made in the earlier days of the ASEAN. The declaration ensures the successful implementation of the TAC, the ZOPFAN and the SEANWFZ which will also entail solution of intra-state disputes by peaceful means. More importantly Vision 2020 envisions the increasing role of the ARF as an established means for Confidence Building, preventive diplomacy and the promotion of conflict resolution. Vision 2020 has stressed on economic development; an entire section entitled ‘Partnership in Dynamic Development’ lays down the plan of action needed to develop in to an integrated region through close economic cooperation and through close economic strategies. Vision 2020 also envisioned the consolidation of the ASEAN identity based Acharya’s ideas of the ‘ASEAN Way’ – common heritage and culture. In the section entitled ‘A Community of Caring Societies’ it has said that, “We envision the entire Southeast Asia to be, by 2020, an ASEAN community conscious of its ties of history, aware of its cultural heritage and bound by a common regional identity.” Therefore, Vision 2020 complements the ASEAN Concord II. What is important is the evolution of the organisation in such a way that it would try to address various security concerns – conventional and non-conventional ones. ASEAN has thus come a long way from a strictly socio-economic organisation to that of a true regional entity encompassing all aspects of the Southeast Asian systems.

Such active regional engagement between the states of the region encourages the democratic culture within them and sets up an ideal condition for what Amitav

67 Text of Vision 2020, October 7, 2003
Acharya calls 'participatory regionalism'. He explains, "[t]he key argument here is that while these consequences are mixed, the displacement of traditional patterns of regional elite socialisation has been offset by gains such as advances in regional conflict management, transparency and rule based interactions. Moreover, these pave the way for a more "participatory regionalism" in Southeast Asia."68 A look through the statement also brings out the importance of human security that need be folded into the framework of regional security. It is so because human security emphasises the precondition for economic and social development, i.e. freedom from fear and violence. The importance of cooperative security at the regional level is well established through the establishment of the ASEAN Community, what now is being encouraged is the acceptance of comprehensive security as an inalienable component of the regional security framework. It will be an uphill task for the organisation to breathe life into ASEAN Concord II and Vision 2020. Incidentally, the Vientiane Action Programme (VAP) (2004-2010) accepted in 2004 is a very detailed work plan with an aim to establish the ASEAN Community with separate work plans on the three respective communities. It is seen as the successor to the Hanoi Plan of Action 1998. In respect to the ASEAN Security Community, the VAP says that "The ASC subscribes to the principle of comprehensive security, which acknowledges the strong interdependencies of the political, economic and social life of the region."69 Further it reiterates that the ASEAN is the driving force behind ARF.70 The VAP has put down five requisites what they termed as 'strategic thrusts' to achieve that purpose. Such purposes would include political development, shaping and sharing of norms, conflict prevention, conflict resolution and post-conflict peace building. In these, there has been a focus on people-to-people contact, stitching together a Mutual Legal Assistance Agreement, Extradition Treaty, counter terrorism,71 transparency in defence affairs and enhancement of cooperation on non-traditional security issues.72

70 Ibid, p.21.
71 In the case of terrorism, it is important to keep in mind that the ASEAN Leaders, at their 7th Summit on November 5, 2001 in Brunei Darussalam, adopted the ASEAN Declaration on Joint Action to Counter Terrorism. The Summit endorsed the convening of a Special Senior Officials Meeting on Terrorism and a Special ASEAN Ministerial Meeting on Terrorism to operationalise the Declaration. The Declaration while condemning terrorist attacks in the US also thought terrorism to be detrimental to the achievement of Vision 2020. The Declaration has urged a number of practical measures like cooperating in anti-terrorist operations including exchange of information, cooperation through
A very significant development was the decision to hold annual ASEAN Defence Ministers Meeting (ADMM) as provided in the ASEAN Security Community Plan of Action in 2004. The 38th ASEAN Ministerial Meeting too decided it was the right time to convene the ADMM and a senior defence officials meeting would be convened to prepare for it. The ASEAN Secretariat was requested by the Working Group on Security Cooperation of the ASEAN Special Senior Officials' Meeting (Special SOM), held in Yogyakarta on May 9, 2004, to draft a concept paper on establishing a forum for ASEAN Defence Ministers for the consideration of the ASEAN Special Senior Officials Meeting (SOM) Working Group on Security Cooperation at its next meeting. The Working Group agreed that a meeting of ASEAN Defence Ministers would contribute to the objectives of the ASEAN Security Community as stated in the Declaration of ASEAN Concord II of October 7, 2003. The first ADMM held in 2006 at Kuala Lumpur adopted this Concept Paper while the second one held at Singapore in 2007 adopted three documents - the ADMM-Plus Concept Paper, the Protocol to the ADMM Concept Paper, and the ADMM Three-Year Work Programme. This is also known as the Joint Declaration of the ADMM. They are to provide valuable inputs in the evolution of the ADMM. The Defence Minister of Singapore, Teo Che Haan stated, "The ASEAN Defence Ministers' Meeting Joint Declaration establishes an institutionalised framework for ASEAN defence and security cooperation. The Declaration is a testimony to the ASEAN Defence Ministers' Meeting's commitment to enhancing regional peace and security, and in the context of ASEAN, to the realisation of the ASEAN Security Community

ASEAN Ministerial Meeting on Transnational Crime (AMMTC), accession to and ratification of all international conventions and treaties to deal with terrorism, and the assistance of extra regional players through institutional mechanisms like ASEAN+3 and ARF. Following that, at the 8th ASEAN Summit in 2002, a Declaration on Terrorism had been accepted where members decided to take up a number of activities in order to curb terrorism. They include, countering terrorist financing, fighting transnational crime, assigning ARF with the task of devising counter terrorism measures and the establishment of counter terrorism measures. See, 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Bandar Seri Begawan, Brunei, November 5, 2001; and the "Declaration on Terrorism by the 8th ASEAN Summit", Phnom Penh, Cambodia, November 3, 2002, ASEAN Documents Series 2004, Jakarta, ASEAN Secretariat, pp.1-2.

by 2015.\textsuperscript{75} In fact, the ADMM is to facilitate the interactions between the defence and military officials of ASEAN Member Countries and develop practical cooperation among them in the field of defence and security with the purpose of, among others, strengthening confidence-building measures through increased opportunities for exchanges and interactions.\textsuperscript{76}

Such an ambitious undertaking as the establishment of the ASEAN Community seems an uphill task. ASEAN quite realises that such a challenging assignment makes it a very good case for intervention and assistance by representatives from Track II processes – civil society, Non-Governmental Organisations and international agencies. Some of these are already functional in the region.\textsuperscript{77} Sustained interactions between such institutions, between the state and the institutions, and increased civil society activities is a way of Confidence Building between states, between governments and even perhaps between peoples of Southeast Asia. In the long run, it will provide the congenial background to the resolution of serious security problems. Perhaps in that spirit it has been agreed at the 12\textsuperscript{th} ASEAN Summit held in 2007, in the Philippines that the ASEAN Community process stipulated in the ASEAN Concord II will be accelerated to be achieved by 2015 instead of 2020. The Chairman's statement recorded that, "We affirmed our strong commitment to accelerate the establishment of an ASEAN Community by 2015 as envisioned in the ASEAN Vision 2020 and the ASEAN Concord II and agreed to sign the Cebu Declaration on the Establishment of the ASEAN Community by 2015."\textsuperscript{78}

In dealing with security problems, an important development is the gradual flexibility in the cardinal principle of ASEAN – non-interference. Although the principle has not been totally abandoned or replaced, it has become now quite explicit that the nature of security problems in Southeast Asia demands a basic amount of leeway in that principle. As it was well described by the well known weekly, \textit{The Economist}, "[t]he

\textsuperscript{75} Speech by Mr Teo Chee Hean, Minister for Defence, at ADMM Joint Press Conference, Singapore November 14, 2007.

\textsuperscript{76} Protocol to the Concept Paper for the Establishment of the ASEAN Defence Ministers' Meeting, Singapore, November 14, 2007.

\textsuperscript{77} Acharya mentions of organizations and institutions like Forum Asia, and ASEAN People's Assembly that have been interacting but they are yet to make a noteworthy impact on policy formulations. See, Op.Cit.no.65, pp.384-386.

\textsuperscript{78} "One Caring and Sharing Community", Chairperson's Statement of the 12th ASEAN Summit, H.E. the President Gloria Macapagal-Arroyo, Cebu, The Philippines, January 13, 2007.
ASEAN Way no longer works because the organisation’s cardinal principle of non-interference has run into reality of interdependence."79 Yet Thailand’s proposal for ‘flexible engagement’ was rejected by more conservative states like Malaysia and Indonesia. At the ASEAN Foreign Minister’s Meeting even Singapore’s Foreign Minister opined that, “We are now clearly of one mind, resolute and united. The basic principles of non-intervention and decision-making by consensus would remain the cornerstones of ASEAN.”80 However, this can be posited next to the various developments within ASEAN that testifies a compromise of the non-intervention principle. In the first place, ASEAN participated in international peacekeeping primarily in the International Force for East Timor (INTERFET) and the subsequent peacekeeping activities conducted under the aegis of the United Nations Transitional Administration in East Timor (UNTAET). It was unique because never before did ASEAN member states participate in any UN mission undertaken in the territory of a fellow member state (Indonesia). Here it needs mention that although some countries had participated in the UNTAC but technically until then Cambodia was not a member of the ASEAN.

Several realistic reasons can also be given to explain the rationale behind ASEAN’s interest in participating in the INTERFET. One of the most important reasons was because states of Southeast Asia realized that Indonesia is the single largest and an influential state in Southeast Asia. Any kind of turmoil involving the state, in the long run will affect the stability and order of Southeast Asia. Besides, if ASEAN would not act and participate in peacekeeping, then some other states would and ASEAN as a matter of principle is opposed to external intervention. In any case, some of the ASEAN states were not happy with Australia’s predominant role in the INTERFET. Malaysia expressed its disaffection with Australia’s leading position in the INTERFET and had sent only a token contingent. As such Malaysia was hoping that the role would not be given to any state not belonging to the region and as a close neighbour of Indonesia, it was hoping to lead the contingent of the INTERFET. No wonder it was disappointed with Australia’s leadership in the peacekeeping. Not only Malaysia some other ASEAN countries were also trying to improve their stature

within the region as well as at the international level. For instance, Thailand sent the largest contingent of troops to East Timor and was rewarded with the post of deputy command in the INTERFET. This elevated Thailand’s position amongst ASEAN countries as a country with moral responsibility and sincerity towards security problems within the region. It would be appreciated for setting standards of international morality and thus earn itself a position of respect and reverence in Southeast Asia. Thus realistic reasons rather than altruistic ones played a larger role behind ASEAN’s participation in the East Timor peacekeeping. It need be noted that not all members of the ASEAN did participate in the INTERFET; only four states (Thailand, the Philippines, Malaysia and Singapore) participated in the UNTAET. Moreover, the states participated as individual countries and did so in response to the invitation and appeal by Indonesia to help deal with the problem in East Timor. Had ASEAN participated, then all the countries would have been present. UNTAET formally replaced INTERFET in February in 2000 and a Filipino, Lt. Gen. Jamie de los Santos, became the Force Commander of the UN Peacekeeping force, replacing Major General Peter Cosgrove, the Australian Head of Command. It need not mean that ASEAN members by participating in the peacekeeping operations were convinced of the need of a regional peacekeeping arrangement. The activities of the participating states were quite limited and selective, for instance they did not participate in peace enforcement operations, nor were they posted in regions were militias were concentrated.  

81 ASEAN failed to support a call for a UN Commission to investigate the atrocities in East Timor.  

82 Such half hearted participation was perhaps because Indonesia, the state in question, was a member of ASEAN and the states would not take any step to disappoint a fellow member or jeopardise the high pledges of cooperation and integration mentioned in the treaty doctrines of ASEAN. Therefore, participation by some of the states of Southeast Asia may be seen by many as a path breaking but it need not be interpreted as the abandoning of the principle of non-interference. However, Australia’s participation in the peacekeeping operations and its overbearing presence did annoy the states of the region. They realized that if they do not bring about a peace keeping arrangement of their own, then in the future the region will remain susceptible to external interference. It will however be a contradiction to their belief in the principle of non-interference. In order to address

82 Ibid, p.70.
this drawback, the idea of ASEAN Security Community has been put forward and the establishment of peacekeeping forces is on the cards.

The East Timor Crisis exposed ASEAN's weakness to act in unison and act promptly to serious political problems and humanitarian crisis. It was ASEAN's failure to breathe life into the pledges towards peaceful settlement of disputes, conflict resolution and preventive diplomacy. In order to address this inadequacy Thai Premier Chuan Leekpai proposed the formal institutionalization of an ASEAN Troika at the Third Informal Summit of ASEAN leaders held at Manila in 1999. It is a means to respond to situations of local crisis and instability. Troika would be a relatively independent group of three ASEAN foreign ministers whose membership would be constituted on a rotational basis. Troika can be seen as an institutional manifestation of a form of flexible engagement. Simon Tay, Chairman, of the Institute of International Affairs, Singapore observes that, "There are possibilities for the troika to practice some of the tools of preventive diplomacy....such a role is likely to be more acceptable for a Troika than for a single ASEAN chairman. A Troika would offer more collective wisdom, political weight, less suspicion of self interest, and greater confidence in the continuity and consistency of decision-making."

However, the proposal for Troika had raised a considerable debate between states as some states saw this arrangement as a compromise of the principle of non-interference. There were a host of questions that were raised by the then Secretary General of the ASEAN, Rodolfo Severino, "...what if conflict does occur within a country in a form and to a degree that threatens other countries of Southeast Asia? Each such case would be different from others, perhaps even radically so. In this light, what norms are there to invoke? Would there be any? Could there be any?"

Most of the ASEAN states were not comfortable with the idea of the Troika and as a compromise, certain points have been incorporated.

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83 Ibid, p.71.
Jurgen Haacke has put down those compromises. First, in place of the original idea of a permanent body, ASEAN Troika will be an ad hoc body. Second, it will not be a decision making body and will not cross its limits beyond its assigned duty. Third, the Troika will function on the basis of the original ideas that comprise the ‘ASEAN Way’ – consultation, consensus and non-interference. Fourth, it has been resolved that the Troika can only be established on a consensual basis upon the request of the ASEAN Security Community Chairman or any other foreign minister. Finally, the Troika would be composed of foreign ministers of the present, and the past and future chairmen of the ASEAN Committee, Other options are under consideration. Compromises are indicative of the fact that states are not entirely comfortable with the idea of mediation in internal or bilateral issues. States are not unanimous on what constitutes internal security and when they have spillover effects; countries like Myanmar are very strict about the principle of non-intervention. On the other hand, Thailand explicitly rejected the fact that the production of drugs is an internal issue and insisted that it may be necessary to intervene as the issue of drugs had serious spillover effects in Myanmar’s neighbourhood. It had other complaints against Myanmar especially in context of the refugee problem it faced due to the former’s repressive policies towards its ethnic minorities.

The future of the Troika lies in uncertainty. No state has shown that eagerness to make the mechanism work. Pointing at the skepticism S.W. Crispin writes, “[w]ith no clear mandate as to how, where and when the troika may be employed, ASEAN seems to have missed a golden opportunity to reinvigorate the grouping’s sagging credibility as a pillar of peace and stability in the region.” It has failed to respond to the ethno-religious conflicts so rampant in various States of Southeast Asia, like Indonesia, Myanmar and the Philippines. However at the least, by agreeing to accept this mechanism, conservatives had agreed to a more active role for ASEAN it could intervene in domestic security threats. Yet, the reality is that in its present form Troika may never become an effective non-bureaucratic crisis response mechanism. The ASEAN Troika is best described then as a ‘still-born’ initiative.

The ‘ASEAN Retreat’ is a bold initiative. It is a process of constant and critical evaluation and re-evaluation to strengthen ASEAN. The proposal for retreat was made by Singapore in the post crisis period. Retreats are common to all important dialogue exchange processes. Perhaps the most important Retreat was the one held after the 32nd ASEAN Foreign Ministers Meeting in 1999; in fact it was the first retreat of the AMM. The significance of the first retreat was clearly underlined in their statement, “[t]he Retreat provided an opportunity for all ten ASEAN Foreign Ministers to hold frank and wide-ranging discussions on the future of ASEAN, the ASEAN Regional Forum (ARF) and ASEAN’s dialogue relationships. The Retreat is part of a continuous process of serious re-examination of the longer-term issues facing ASEAN. We are committed to continually shaping an ASEAN that is attuned to the challenges of the times. ASEAN will continue to play a key role in the region.”

Central to their discussion had been the role of the ARF as the forum to respond to security issues of the region. Yet the dilemma is that the member states never lose sight of the fact that ASEAN is the driving force behind ARF. Neither does ASEAN think of doing away with their cardinal principles of consensus, consultation and non-interference. Singapore’s Foreign Minister S Jayakumar, after the Retreat, reiterated the overall feeling of the ASEAN members, “[w]e should not abandon them [i.e. consensus, consultation, non-interference], but without abandoning them, how can the organisation and its members face new challenges [...] such as good governance, democratisation, human rights, and so on. These are the challenges ASEAN must face and face it in a way that does not abandon the established principles.” Besides, the statement on the 32nd AMM clearly acknowledged the importance of consensus, “We also stressed the importance of moving the ARF process forward at a pace comfortable to all participants and on the basis of consensus.”

Retreats are excellent idea where representatives can seek to thrash out their differences on any issue. For instance in the second Retreat, it was easy to find a

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compromise on the ASEAN Troika.93 Retreat is also flexible in its scope; states have always agreed to participate and discuss issues which are of domestic nature. It may signal a Retreat from the principle of non-interference that is being gradually replaced by enhanced interaction. But at best enhanced engagement is just an acknowledgement on the part of ASEAN of the reality that no state can immunise its domestic developments from external comments and observations particularly where there are fears of spillover effects. However Haacke thinks that enhanced interaction is a poor substitute to Surin Pitsuwan’s original proposal of flexible engagement. He opines, “there was (or seemed to be) a subtle but significant difference between ‘enhanced interaction’ and ‘flexible engagement’, insofar as ‘enhanced interaction’ appeared to imply that individual member states could comment on other members’ ‘domestic affairs’ although ASEAN should not. In other words, as a compromise, ‘enhanced interaction’ de facto condoned efforts of individual ASEAN leaders to take their colleagues to task on matters heretofore perceived as ‘domestic affairs’ if the issue at hand had cross-boundary implications, while still ruling out the legitimacy of such endeavours being undertaken under ASEAN’s auspices.”94

The ASEAN Charter is a commendable step towards providing ASEAN a legal character.95 It presumes that for so many years since the establishment of ASEAN in 1967, it had no such legal character because the organisation was founded on the basis of a Declaration also known as the Bangkok Declaration. The provision for the Charter was placed in the Vientiane Action Plan.96 The Charter can be seen as a culmination of the process of building norms and principles for the ASEAN. However the Charter is yet again a reaffirmation of the spirit of the ‘ASEAN Way’. It includes the confusion of the organisation that precariously balances between individual state autonomy and the need for a prolific corporate identity of the organisation. On the one hand, the Charter reinforces its belief in the principle of non-interference as originally

95 Chapter II, Article 2, reads, “ASEAN an inter-governmental organization, is hereby conferred legal personality”, ASEAN Charter, Singapore, November 20, 2007, p.8.
provided by the TAC, on the other the Charter puts unequivocal importance on the importance of peace, security and stability of the region.

The Role of the ASEAN Regional Forum

In the post Cold War period, there were new uncertainties in the security scenario of the region. While their was a concern over the US decision to gradually disengage its military forces from Southeast Asia, there was also an apprehension regarding US intentions particularly because of its role in the Gulf War. At the same time, the absence of the Soviet Union along with a modest US presence would make it easy for China to gain an upper hand in the region. This prompted the ASEAN states to respond to the new emerging security situation in Southeast Asia. The 4th ASEAN Summit in 1992 and its declaration, the Singapore Declaration responded to such security concerns. In the section titled ‘Political and Security Cooperation’, the concerns and the steps to be initiated by the ASEAN have been spelt. In this section, ASEAN members clearly reiterate their age-old confidence in the fundamental treaty provisions – TAC, ZOPFAN and SEANWFZ. Far more important is the proposal to initiate to dialogues on security issue. It was decided that:

ASEAN could use established fora to promote external dialogues on enhancing security in the region as well as intra-ASEAN dialogues on ASEAN security cooperation (such as the regional security seminars held in Manila and Bangkok in 1991, and the workshops on the South China Sea held in Bali in 1990 and Bandung in 1991), taking full cognisance of the Declaration of ASEAN Concord. To enhance this effort, ASEAN should intensify its external dialogues in political and security matters by using the ASEAN Post Ministerial Conferences (PMC). 97

The ultimate outcome of this decision was to establish a permanent forum for security dialogue amongst the members and dialogue partners of ASEAN - ASEAN Regional Forum.

The Forum is an institutional manifestation of the concept of cooperative security. Cooperative Security has been an integral part of ASEAN and its operations. Of course there were challenges to the concept of cooperative security. Challenges have ranged from inter-relationships between states to differing national interest priorities. It is coupled with the problem of emerging threats especially non-military ones. As Alan Dupont puts it,

One of the enduring characteristics of security as an organising principle in the field of international relations, is its ambiguous and contested nature, features which are readily apparent in contemporary articulations of security concepts. The difficulty of defining security, conceptually, is compounded by the different cultural, ideological and cognitive frameworks that differentiate national responses, the diminution in authority and power of the nation itself, and the rise of new security issues which pose novel challenge to the national governance and international order.  

In order to respond this challenge, ARF as a dialogue forum, is not only an institutional manifestation of cooperative security, its approach has been one of comprehensive security. Here it may be relevant to state that the comprehensive nature of security issues has been already acknowledged through the activities of the ASEAN to the extent it is claimed that the function of the regional entity becomes almost indistinguishable from the normal governance of the state. It is here the precious ASEAN policy of regional resilience becomes handy. The flexibility of the doctrine along with its holistic approach towards security implicit in the wordings of the ASEAN Concord makes it difficult to make a distinction between internal and external threats to security. The Concord expressed explicitly, “the stability of each member state and of the ASEAN region is an essential contribution to international peace and security. Each state resolves to eliminate threats posed by subversion to its stability, thus strengthening national and regional resilience.” It can be understood that national and regional resilience are mutually reinforcing; then internal and external aspects of security are also inextricably associated with one another. The ARF follows this principle of regional resilience.

The ARF is an offshoot of the ‘ASEAN Way’ as it has been evolving in the post-Cold War. The first proposal for a multilateral security forum however came from non

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100 Article 1 of the Declaration of the ASEAN Concord, Indonesia Bali, February 24, 1976. The ASEAN Concord II also reaffirmed its confidence in the Concord Declaration of 1976 including the provision of regional resilience. See, Declaration of the ASEAN Concord II (Bali Concord II), Indonesia, Bali, October 7, 2003.
101 For a good discussion on the concept of regional resilience within ASEAN, see, Dewi Anwar Fortuna, “National Versus Regional Resilience? An Indonesian Perspective”, in Derek de Cunha (ed), Southeast Asian Perspective on Security, Singapore, ISEAS, 2000, pp.81-97.
ASEAN countries – Australia and Canada. The proposal for a regional security
dialogue process more in the form of an Asia Pacific Conference came from the
erstwhile president Mikhail Gorbachev of an erstwhile state – Soviet Union at
Krasnoyarsk in the year 1988. Amongst the seven point proposal made by Gorbachev
the last proposal emphasised, “The USSR suggests discussing at any level and with
any interested country the question of creating a negotiating mechanism to consider
Soviet and any other proposals pertaining to the security of the Asia-pacific region.
The discussions could be started between the USSR, China, and the United States as
permanent members of the United Nations Security Council.”

A more serious proposal was made by Gareth Evans at the ASEAN AMM in 1990 calling for,
“confidence and patterns of cooperation not only between old friends, but also
between old adversaries” that would be modelled as an Asian counterpart of the
Conference for Security Cooperation in Europe (CSCE). He opined that, “it is not
unreasonable to expect that new Europe-styled cooperation between old adversaries
will find their echo in this part of the world.” This was followed by the Canadian
foreign minister Joe Clark at the same AMM. Evans did not seek a total importation
of the European model but emphasised a rather time seeking gradual approach so as to
build a dialogue process based on somewhat institutional semblance with the CSCE.
Yet later he also proposed for a new set of institutions for multilateral security
dialogues. However, Washington’s opposition to such multilateral dialogue led to a
virtual abandoning of the idea of a multilateral dialogue on security in this part of the
globe. Even Japan was not very comfortable with the idea of a multilateral
dialogue in this part of the globe.  

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102 "Building New Relations in Asia-Pacific", based on a statement in Krasnoyarsk, September 16,
Udai Bhanu Singh, ASEAN Regional and Security of the Asia Pacific, Delhi Papers, New Delhi,
Institute for Defence Studies and Analyses, 2001, p.18
104 Gareth Evans, “What Asia Needs is a Europe-Style CSCA,” The International Herald Tribune, 27
105 See, Gareth Evans, ASEAN’s Past Success A Prelude to the Future” reproduced in Australian
Department of Foreign Affairs and Trade Record, 1990, p.430, cited in David H. Capie and Paul M.
106 For Washington’s negative reaction to multilateral security cooperation see the letter send by the
then US Secretary of State James Baker to Gareth Evans to express their disapproval in “Security in
available at,
n_evolving_interest.pdf+Gareth+Evans+proposal+for+CSCA&hl=en&ct=clnk&cd=4&gl=in&client=fi
refox-a.
arrangement and has been in opposition even to the Soviet proposal. ASEAN members were also not very receptive of the idea of a multilateral security dialogue forum. There were basically three reasons for the negative reaction. First, the member states thought that their security requirements were very diverse to be addressed by a single security arrangement. Second, they feared that the establishment of a forum will undo the importance of ASEAN. Third but the most important states apprehended that establishment of the ARF will be in direct contradiction to the principle of non-interference. ASEAN's disapproval for formal mechanisms permeated their fear that establishment of the Forum would make a leeway for intervention by Western countries. Therefore, so long ASEAN was conceived as an Asian version of the CSCE, there was no way it could have earned support from the member states. But it must be also kept in mind that during the early 1990s, restructuring of Cambodia as a post conflict society was carried by a multinational task force under the tutelage of the UN. They had a formal structure which was quite unlike the nature of ASEAN as a diplomatic community. Keeping in mind the enormous nature of the Cambodian crisis, the uncertainty of the Post Cold War security scenario and in this context, ASEAN's feeling of ineptness to deal with future security crises was apparent. Under such circumstances, the member state had but no option but to agree to a multilateral dialogue forum with a purpose to address security issues of the region.

The proposal for the establishment of such a dialogue forum was put forward by the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) in 1991, the first of its kind from within the region. In 1991 the Institute published a memorandum called, 'A Time for Initiative, Proposals for the Consideration at the Fourth ASEAN Summit', that encouraged ASEAN to play a more meaningful role in the security issues and attached special importance to the ASEAN PMC dialogue mechanism as the executor. The proposal forwarded by the Institute recommended the use of the ASEAN PMC to be used as a broader dialogue process so as to focus on political and security issues of not only Southeast Asia, but of the Asia Pacific. Japan at the ASEAN PMC held in 1991, had tabled a somewhat similar proposal where stress was

given on the need to put the ASEAN PMC the task of addressing political and security issues. After the initial hesitation it was decided by the ASEAN members to claim the process in the hope that they could channel instead of resisting the momentum. The outcome of this was that these proposals were discussed at the Kula Lumpur AMM held in the same year. As mentioned above, the Singapore Summit of 1992 by endorsing political and security cooperation among the states of the region and between them and dialogue partners of the organisation prepared the background for the establishment of the ARF.

At this point it is also important to take note of the fact that the change in attitude of the ASEAN members towards the idea of a multilateral security dialogue forum was due to the catalytic effect of the fast developing changes taking place in the region. Let alone the uncertainty of the Post Cold War era, the region was also witnessing changes within the region of Indo-China. Cambodia was slowly limping into normalcy with international supervision and assistance. But most important the once aggressive Vietnam also underwent crucial changes in the nature of its state, to start with - its economy. The famous Doi Moi Programme that literally means renovation was already in operation in the once pariah state. As a result of this the state entered the good books of the west; monetary assistance began to pour in from the World Bank (WB), the International Monetary Fund (IMF) and the Asian Development Bank (ADB). Besides, the US in early 1994, withdrew its economic sanctions imposed upon Vietnam and diplomatic ties were being worked out. In other words, Vietnam was beginning to look much more familiar and accessible to the non-communist states of the ASEAN. In turn, as a token of their confidence towards the reforming state of Vietnam, it was invited by ASEAN to become member to the regional dialogue

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109 Michael Antolik, “ASEAN and the Diplomacy of Accommodation.” Contemporary Southeast Asia, vol 22. no. 1. April 2000, p.120.
108 As of now, ARF’s membership comprises of 27 countries-the 10 ASEAN member states (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam), the 10 ASEAN dialogue partners (Australia, Canada, China, the EU, India, Japan, New Zealand, Republic of Korea, Russia and the United States), one ASEAN observer (Papua New Guinea), as well as the Democratic People’s Republic of Korea, Mongolia, Pakistan, East Timor, Bangladesh and Sri Lanka. Source, Department of Foreign Affairs and Trade, Australian Government, available at, http://www.dfat.gov.au/arf/.
111 A pariah State is one whose conduct is considered to be in line international norms behaviour. Harkavey defines pariah state as those characterised by, “...precarious diplomatic isolation, the absence of assumed, credible security support of political moorings within big-power alliance structures and ...[being] the targets of obsessive and unrelenting opprobrium and censure within international forums such as United Nations. Robert Harkavey, “Pariah States and Nuclear Proliferation”, International Organisation, vol.35, no.1, 1981, p.135.
processes and institutions like the Pacific Economic Cooperation (PECC) and Asia Pacific Economic Cooperation (APEC). Vietnam also became a member of the ASEAN Free Trade Area (AFTA), but what is interesting to note here is that so long as its membership with ASEAN is concerned, Vietnam first became one of founding members of the ARF before joining the organisation in the year following to that. Vietnam began by signing the 1976 Treaty of Amity and Cooperation (TAC) in 1992 and attended the AMM as an observer (along with Laos). It became the seventh member of ASEAN July 1995. What needs to be understood here is that the entry of Vietnam first into the ARF following the acceptance of the TAC proves that first, for ASEAN security has always been a very important issue. Second, ASEAN still continued to act in reaction to (or in accordance with) the West for it is only after the US accepted Vietnam normally that ASEAN finally incorporated the country into its fraternity. To look at it a little differently Vietnam’s entry into ARF preceding to ASEAN testified that the latter still looked at Vietnam from a politico-security perspective rather than a socio-economic one. Last but not the least by bringing Vietnam into the security contours of ASEAN, the ARF could be seen as a means of communication and institutional penetration into the once forbidden region of the Indo-China and at the same time attempt to acquire the image of a regional organisation holistically. This proved true as by the end of the twentieth century the three states of Indo-China had become members making ASEAN a family of ten.

Thus ARF was also a reflection of ASEAN’s perceptions. The founding summit of the Forum took place in 1994 at Bangkok. As mentioned earlier, this summit thus brought to life the Declaration of the Singapore Summit in 1992. In the Summit it was agreed that ARF as a high level consultative forum, would encourage the habit of “constructive dialogue and consultation on political and security issues of common

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113 Since the late eighties some of the countries of Southeast Asia were already thinking of incorporating Vietnam in ASEAN. Indonesia particularly was keen on including Vietnam its membership. Yet countries like Malaysia and Thailand were rather very prudent in their approach for they were of the view that first, the Cambodian Crisis must come to an end with the withdrawal of the Vietnamese forces and second that Vietnam must agree to accept and abide by the rules and norms of the organisation unconditionally and follow them in good faith.
interest and concern" in turn it would be in a position "to make significant contribution towards Confidence Building and preventive diplomacy in the Asia-Pacific region." In addition, the Chairman's Statement recorded that ARF shall be based on respect to the principles of TAC so that ARF too continues to be guided in parlance with the spirit of the ASEAN. It must be kept in mind that until the Second ARF Summit, ARF had no distinct document of guidance; it was compensated at the Second ASEAN Regional Forum Summit at Brunei's capital, Bandar Seri Begawan in 1995. The outcome of the deliberations was the endorsement of the Concept Paper by the participant states. Incidentally, Cambodia also participated in the ARF summit.

The Concept Paper was by far a holistic document that drew the outline for future actions of the ARF. The Concept Paper presumed that "a successful ARF requires the active participation and cooperation of all participants" and therefore, membership to the forum is wide and varied. Membership of the ARF includes ASEAN members, observers, dialogue partners, and consultative members. ASEAN Way is based on indigenous concepts like consultation, consensus, and informality in state to state interactions. The second ARF stressed that it shall move at a pace comfortable to all the participants. It is also true that ARF understands that economic prosperity must be preceded by peace and stability. Therefore to make both the ends meet, that is counter security challenges through various provisions, and allow states to find itself a comfortable pace within the Forum, it has agreed to a gradual and evolutionary process. The ARF as mentioned in the Concept Paper, embarked on a three phase evolutionary approach to establish peace and order. The words recorded in the Concept Paper were, "[i]t would be unwise for a young and fragile process like the ARF to tackle all these challenges simultaneously, a gradual evolutionary approach is required." Subsequently, a three stage evolutionary process has been chalked out. The First Phase stresses on the Promotion of Confidence-Building Measures. The Second Phase involves the Development of Preventive Diplomacy Mechanisms. The Third Phase moves on to the Development of Conflict-Resolution Mechanisms.

114 Section 4, of the Chairman's Statement at The First Regional Forum, Bangkok, July 25, 1994.
115 Ibid.
116 Section 6.2 in Ibid.
117 Op.Cit. no.111
118 Section 6 in Ibid.
Evolution in one phase would gradually culminate into the next stage that was the spirit that permeated the Concept Paper. It begins with the promotion of trust and confidence. The Paper has expressed that acknowledging the views of the First Ministerial Meeting that a more predictable and constructive pattern of relations in the Asia-Pacific is required, it underlined that, "the ARF should therefore concentrate on enhancing the trust and confidence amongst participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region."\(^\text{119}\) That Confidence Building is well ingrained within the spirit of the ASEAN has been acknowledged in the ARF.

In order to go about Confidence Building a well defined organisational layout has been provided in the section Organisation of ARF Activities. The Annual ARF Meeting will follow the ASEAN Ministerial Meeting and in the context of the Post Ministerial Conference (to be preceded by the ARF Senior Officials Meeting – ARF-SOM). In order to assist the chairman of the ARF-SOM to consider and make recommendations to the ARF on the implementation of the proposals agreed by the ARF participants, two inter-governmental mechanisms have been accepted. First, Inter-sessional Support Group (ISG) on Confidence Building that would encourage dialogue on security perceptions and defence policy papers. The other mechanism includes Inter-sessional Meetings (ISM) on Cooperative Activities including peacekeeping. ISG and ISM are co-chaired by a pair of countries of the ARF – one ASEAN member and one non-ASEAN member (participant).\(^\text{120}\)

The Concept Paper however stressed that institutionalisation of the ARF is not to be expected; no Secretariat shall be established. This keeps the centrality of the ASEAN intact. It is again reiterated in Provision 20 of the Concept Paper where it is mentioned that, "[t]he rules of procedure of ARF shall be based on prevailing ASEAN norms and practices. Decisions should be made by consensus after careful and extensive consultations. No voting will take place. In accordance with prevailing ASEAN practices, the Chairman of the ASEAN Standing Committee shall provide the secretarial support and coordinate ARF activities."\(^\text{121}\) Confidence Building will be

\(^{119}\) Section 7 of The ASEAN Regional Forum: A Concept Paper, Bandar Seri Begawan, 1994.
\(^{120}\) See section 6.5 entitled in Ibid
\(^{121}\) Section 20, in Ibid.
carried out simultaneously through Track I and Track II interactions. The Concept Paper has also suggested two lists of Confidence Building Measures – the first one was for immediate implementation and the other would be materialised in the long-term future. Both the lists contain common provisions like Confidence Building Measures, Preventive Diplomacy, Non-Proliferation and Arms Control, Peacekeeping (in tune with the need of ASEAN Security Community) and Maritime Security Cooperation.\textsuperscript{122}

It is evident that Confidence Building is one very important aspect of ARF’s activities. In this context, a look at the documents of the Inter-sessional groups would make explicit that they are extremely important components of the ARF process. It is these ISGs and IGMs that through their consistent interactions do the homework for the ARF, providing valuable feedback for the ARF Ministerial Meets. As conventional security issues were being coupled with non-conventional ones, Inter-Sessional groups also increased in number and in kinds. Not only ISGs, and ISMs, seminars, conferences and workshops though the Track I process have expanded so vastly that the ARF has become a very serious security dialogue forum within a very short span of time. Taking note of the vastness of the activities carried out within the Track I ambit of ARF it was felt plausible that for the purpose of discussion some outline be followed. There are two ways of looking at the progress of ASEAN’s Track I activities – either through subjects or by looking at the activities of the ISGs and ISMs. Since one of the focuses of this discussion is Confidence Building, it is wise to focus on the progress of the ISG on Confidence Building. The reason is not far to trace. The ISG on Confidence Building, through its activities and interactions over the period of time has produced a number of other CBMs. As the numbers of CBMs have multiplied, it has strengthened the process of Confidence Building within Southeast Asia. To that extent the ISG on Confidence Building is the fountainhead of a number of contemporary CBMs. A detailed reading of the activities of the ISG on Confidence Building will strengthen the observation.

ISG on Confidence Building began since 1996, (in Tokyo and in Jakarta) and discussed on initially determined issues like Dialogue on Security Perceptions,

\textsuperscript{122} "Confidence Building Measures, Annex A and Annex B", in Ibid.
Defence Policy Publications, Enhancing High-Level Defence Contacts and Exchanges among Defence Staff Colleges and Training, Enhancing High-level Defence contacts that are based on exchanges between Defence Colleges and Training Institutes and discuss provisions relating to the UN Register of Conventional Arms (UNRCA). It had also made some additional CBM recommendations including information sharing on role of the armed forces in disaster relief, and on ongoing military exercises. Such recommendations have been lived up in the following year where at Beijing, the focus of the ISG was on exchange of opinions and information on a number of issues – security environment, security perceptions, regional CBM cooperation, defence policies, defence modernisations, and joint military exercises. Other issues include progress on the UNRCA, expressing support for arms control and disarmament efforts. A new focus of discussion was non-military CBMs. Exchanges of regional security perceptions was important to the ARF but along with it what is important is the ministerial focus on bilateral exchanges on regional security perceptions for they were conceived to be a step towards bilateral security dialogue within the region.\textsuperscript{123} It seemed that at that point of time there was no scope that ARF would supersede bilateral interactions especially in defence cooperation. Therefore, bilateralism was still considered popular to multilateral dialogues. The Fourth ASEAN Regional Forum held a discussion exchanging views ‘on the future direction of the ARF’. Other important issue which received ministerial attention was how to address the problem of overlapping of Confidence Building and preventive diplomacy. These were originally identified as Stage I and Stage II respectively in the Concept Paper and where they seemed to overlap, they were to proceed in tandem with Stage I. It is here the ISG on CBMs were requested to address the issues and subjects that overlap and help ensure that overlapping issues be addressed by focussing on CBMs.\textsuperscript{124}

It is in this context that the ISG prior to the Fifth ASEAN Regional Forum, 1998\textsuperscript{125} made very serious contribution to the process of Confidence Building. It embarked on a self-evaluation process so as to review its progress on Confidence Building, and

\textsuperscript{123} For instance the ministers expressed their satisfaction over Confidence Building between the States of China and India, among the states of China, Russia, Kyrgyzstan and Tajikistan. See, \textit{Chairman's Statement, The Fifth ASEAN Regional Forum, Manila, July 27, 1998.}

\textsuperscript{124} See the last paragraph of the \textit{Chairman's Statement of the Fourth ASEAN Regional Forum, Subang Jaya, July 27, 1997.}

\textsuperscript{125} Two of them were held separately, one in 1997 at Bandar Seri Begawan and the other in 1998 at Sydney.
determine its future course of action based on its progress. It is here the ISG records its views as:

In discussing its future activities, the ISG stressed the importance of Confidence Building to the ARF. Participants felt that there was still more work to be done on the ARF CBMs agenda and looked forward to the development of new CBMs. The ISG emphasised the need to continue focusing on core military defence-related CBMs, while noting that in accordance with the ARF’s comprehensive security approach, some non-military CBMs might usefully be addressed...126

Not only that, the ISG agreed on evaluating the process of implementation of CBMs. While most of the CBMs were ongoing, two particular agreed CBMs were considered to be fully completed – the establishment of an inter-sessional meeting on disaster relief and the first ARF Meeting of Heads of National Defence Colleges.127 Older issues like the exchange of views on regional security perceptions, exchange of information on other regional CBMs, notification on military exercises were discussed. There was encouragement to active participation of defence representatives in the ARF process. This led to the regularisation of exchange between heads of defence institutions of the states of ARF, seminars and conferences between them.

The most important contribution was the suggestion of new CBMs in form of European namesakes – Basket 1 and Basket 2. While Basket 1 CBMs were meant to be implemented in the near future, those belonging to Basket 2 could materialise over a medium period. The ISG had also considered the issue of the overlap of the between CBMs and Preventive Diplomacy.128 It was in this context, this ISG, put forward a few very substantial proposals – an enhanced role for the ARF Chairman emphasising the role of his good offices; the need to develop a register of Eminent Persons among ARF Participants; preparation and publication of an Annual Security Outlook (ASO); and voluntary background briefing on regional security issues. Most of these proposals have been accepted and are being worked upon by the ARF. Maritime

126 Paragraph 6 of the Co-Chairmen’s Summary Report of the Meetings of the ARF Inter-Sessional Support Group on Confidence Building Measures, Bandar Seri Begawan, Brunei Darussalam, November 4-6, 1997, Sydney, Australia, March 4-8, 1998.
127 Paragraph 8.1 in Ibid.
128 It is noteworthy to mention that in the meanwhile several seminars and conferences had been taken place, relevant to the process of Confidence Building, particularly its overlap with Preventive Diplomacy (PD). Two seminars were held one in Paris in 1996 followed a by a Conference on it in the year following at Singapore.

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issues like Maritime Safety, Law and Order at Sea, Protection and Preservation of Maritime Environment and Maritime Cooperation also gained importance in this ISG.

The ISGs of the 1998-1999 carried on the momentum of discussion on maritime security issues, exploring ARF’s scope in assisting and complementing the existing bilateral and multilateral maritime agreements between states. A separate one day meet of Maritime Specialist Officials organised parallel to the 1998 ISG, provided valuable inputs regarding maritime safety. In the post economic crisis period, the ISG held extensive discussions on the security situation after the debacle. In particular the focus was on internal as well as transnational (regional) impact of the crisis particularly in terms of stability and order. Issues emphasised in the ISG were the South China Sea situation and other non-military threats like drugs, illegal migration, and social instability. Of equal concern was the issue of nuclear proliferation and the meet discussed the contribution of regional and global regimes towards the progress of non-proliferation in the region. On the one hand the ISG provided encouragement to the countries to support global disarmament regimes. On the other hand, the participants were disturbed by the nuclear programme of North Korea particularly the missile launch of 1998. Progress in the implementation of CBMs were also discussed and modified. Usual activities like exchange of views on defence policies, defence conversions, UNRCA took place along with new subjects; they include, small arms trafficking, anti-personnel landmines. The ISG continued to work and elaborate on the proposals provided earlier. It is important to know that in the context of the increasing role of the ARF Chairman, a scope has been provided for increased interactions between Track I and Track II activities of the ARF. It was recommended that the ARF Chairman, at the ministerial meets and at the ARF-SOMs, play a crucial role in incorporating the valuable views, opinions and recommendations made by Track II actors within the Track I Processes and interactions. In order to address the relation between CBM and PD, the ASEAN would be preparing the concept and principles of Preventive Diplomacy. ISG would hold meetings on the same.

129 In order to learn of the proposals recommended by the MSOM regarding maritime security, see, the Co-Chairmen’s Summary Report of the Meetings of the ARF Inter-Sessional Support Group on Confidence Building Measures, Honolulu, USA, November 4-6 1998, Bangkok, Thailand, March 3-5, 1999.

130 See, Paragraph 11 of the Co-Chairmen’s Summary Report of the Meetings of the ARF Inter­Sessional Support Group on Confidence Building Measures, Honolulu, USA, November 4-6 1998, Bangkok, Thailand, March 3-5, 1999
The ISG, at the end of the twentieth century, continued to remain concerned with the safety and stability of the South China Sea as a zone of contested claims. Incidentally the Dialogue process between the ASEAN and China Officials continues. Confidence Building particular to the South China Sea is a time-taking process and is easier said than done. This will be discussed later. Implementation of the Basket 1 and Basket 2 CBMs continues to be reviewed and new proposals continue to flow in. In this, several ARF members have provided valuable input by hosting seminars, workshops and conferences on various issues associated to the CBMs. For instance, meeting of the Heads of Defence Universities were being held in series, 131 China alone held seminar on ARF Professional Programme on China’s Security Policy, on Defence Conversions and hosted the meeting of Heads of Defence Universities. 132 Some CBMs were to be moved from Basket 2 to Basket 1, defence conversion related information exchange being one of them. Trans-national Crimes gained attention and an expert body held meeting to provide valuable inputs on responses to trans-national crimes. The ISG also continued to discuss on the paper on the Concept and Principles of Preventive Diplomacy. The Paper was adopted at the 8th ARF Meet, and it was considered a major achievement in the process of evolution of the ARF. Another draft paper under the ISG was related to the proposed ARF register of experts/eminent persons. Incidentally this proposal was provided by the ISG earlier (1998). This ISG underlined that ARF members can nominate their own nationals as experts/eminent persons but cannot veto any others’ nomination. Interestingly this would introduce some form of structured representation, which is otherwise contrary to the ASEAN spirit of informality and flexibility (resilience). By 2000, an informal lunch between Defence and military officials had become almost regularised, the process had started at Langkawi in 1997. It was recognised since then that “the separate informal gathering at lunch during the ARF SOM of defence and other officials had encouraged greater interaction and networking among the officials concerned in the ARF.” 133 In a similar spirit, the ISG in 2000 agreed that “interaction between defence officials within ARF Meetings was a useful CBM in itself and need be encouraged.

131 Till then only three had taken place but the meetings have continued till 2008. The last meeting was held at Islamabad, Pakistan on October 21-23 2008.
132 To learn of the meetings, and seminars held see, Co-Chairmen’s Summary Report of the Meetings of the ARF Inter-Sessional Support Group on Confidence Building Measures, Tokyo, Japan, November 13-14, Singapore, April 5-6, 2000.
Over and above the informal lunch gathering helps promote a better understanding among the officials and that defence officials would continue to exchange views on issues of common interest during future defence gatherings.”  

The ISG recorded that a Maritime Specialist Officials’ lunch was also hosted, chaired jointly by Thailand and the US; it noted the briefings and accepted the report of the discussions provided by the US.

CBMs have continued to be implemented; some of them already implemented like the Combined Human Assistance Response Training. CBM list continues to get modified – Basket 2 proposals have been removed to Basket 1, newer ones were being proposed to be included largely in Basket 1. By 2001 the proposed Annual Security Outlook was also recognised as a CBM. The meeting of the Expert Body on Transnational crime was a huge step towards dealing with that kind of crime and three such crimes include piracy, illegal migration and illicit trafficking of small arms. Papers and proposals on Role of the ARF Chair and Register of the Experts/Eminent Persons continued to flow in. Regularisation of these meets yielded another form of Confidence Building measure. Alongside, an outline of the enhanced role of the ARF had been prepared for consideration by the states. A very important document that was discussed by the ISG was the ARF Concept and Principles of Preventive Diplomacy, the meeting acknowledged the contribution of Singapore to this process. The ISG realising the importance of the informal lunch between the Defence Officials

134 Co-Chairmen’s Summary Report of the Meetings of the ARF Inter-Sessional Support Group on Confidence Building Measures, Tokyo, Japan, November 13-14, Singapore, April 5-6, 2000.
135 To learn see, the section “Considerations of CBMs in Co-Chairmen’s Summary Report of the Meetings of the ARF Inter-Sessional Support Group on Confidence Building Measures, Tokyo, Japan, November 13-14, Singapore, April 5-6, 2000.
136 The proposed Annual Security Outlook was made at the Inter-sessional Group on Confidence Building Measures in 1997 in response to the issue of overlap between Confidence Building and Preventive Diplomacy. In 1998 session of the ISG on CBM the proposal for the Annual Security Outlook has further developed by providing the alternative for implementation of the proposal – through Track I by individual participants without editing by the ARF Chairman, through Track I by individual participants without editing by the ARF Chairman but with a general overview by him; and third continuation of Annual Security Outlook by Track II institutions. At present the first method is followed.
137 The First Expert Group Meeting on Transnational Crime took place in Seoul October 2000 in accordance to the decision of the 7th ARF Ministerial Meet and the 7th ARF-SOM. Yet needless to say the original idea of an expert group on trans-national crime was launched by the ISG in 2000. For a detailed idea of their proceedings, see Co-Chairman’s Summary Report of the ARF Experts’ Group Meeting on Transnational Crime, Seoul, ROK, October 30-31, 2000; Kuala Lumpur, Malaysia, April 16-17, 2001.
has recommended the ARF-SOM to make the informal process a regular feature. It is in a way an acknowledgement of the importance of Track II processes.

By 2002 a new challenge had emerged and that was the issue of terrorism. Therefore not only trans-national crime, proposals were also there before the ISG during that year to hold workshops on counter-terrorism. One workshop concerning terrorist financing was co-hosted by Malaysia and the US in Honolulu; the other was prevention of terrorism co-hosted by Thailand and Australia in Bangkok. Another seminar on Peacekeeping was hosted jointly by India, Malaysia and Canada and held at New Delhi. All these seminars were vital inputs towards Confidence Building particularly in the age of global terrorism. The 2002 ISG session had reiterated their support for the 2001 October statement on the threat of international terrorism issued by Brunei on behalf of all the ARF participants. It also expressed their support for the Declaration on Joint Action to Counter Terrorism issued by the 7th ASEAN Summit. Another Concept Paper on Defence Dialogue within the ARF prepared by Singapore was also endorsed in the 2002 ISG. 138

For the next few years management of terrorist sabotages, terrorist threats, and counter terrorism, not to forget the trans-national crimes occupied the agenda of the ARF Meets and the ARF-SOMs. Subsequently while encouraging Confidence Building (exchange of perception on regional security, preventive diplomacy, Code of conduct in the South China Sea) the ISGs have focused on measures to combat terrorism. For instance, the 2003 ISG meeting supported the ongoing efforts of the ARF participating countries to prevent, suppress and eradicate acts of terrorism in all its forms and manifestations and welcomed the outcome of the 4th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and the First ASEAN Ministerial Meeting on Transnational Crime+3. (3 representing the three East Asian states of China, Japan and Republic of Korea). The same session noted the Report of the ARF-Intersessional Meeting on Counter-Terrorism and Trans-national Crime (ISM-CT-TC). The ISM-CT-TC was proposed by the ARF-SOM to be regularised. ISG endorsed the proposal. The meeting noted the issues discussed by the ISM-CT-TC like Terrorist Organisations, Recent Terrorist Activities and Counter Terrorism

Measures; Counter Terrorism-Border Security that relates to movement of people and goods. A separate proposal for the establishment of a Southeast Asia Regional Centre for Counter Terrorism was placed and endorsed by Malaysia, a country believed to be one of the hubs of Southeast Asia. This proposal was also endorsed by the ISG. Growing attention to the threats of terrorism became prominent as in the same year a number of interactions and dialogues on terrorism were conducted. For instance in June 17, 2003, the ARF adopted a Statement on Cooperative Counter-Terrorist Action on Border Security; in June 2003, ARF also conducted a Workshop on Managing the Consequences of a Major Terrorist Attack and a report was published too. CBM proposals include steps regarding Maritime Security Challenges, Humanitarian Assistance and Disaster Relief. Also a Kiwi proposal for a register for CBMs was received warmly by the ISG as this would help keep track of the CBMs, avoid repetition of proposals and help think newer ones.

The ISG session of 2003 coincides with the year of the adoption of Bali Concord II and was warmly supported by the Group. Since the Concors speak of regional peace and security, ARF participants were particularly disturbed by the nuclear threat emanating from the Korean Peninsular. North Korea's withdrawal from the NPT imperilled ASEAN's SEANWFZ. In this it is also important to understand that since there was no representation from the North Korea the meeting could do nothing more than hope that North Korea would abandon its nuclear programme. Thus ARF Confidence Building it seems is limited to the extent of the participants involved in the Forum. It explains why the membership of the Forum is so wide and so varied. The good news is that North Korea has signed the TAC in 2008, yet ASEAN is not sure that North Korea would submit its nuclear elements for international inspection. The participant states of the Forum have reiterated their faith in NPT, Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC). This is in consonance with one of ARF's fundamental postures - is the aversion to nuclear weapons and the desire to make Southeast Asia a nuclear weapons free region. Yet ARF is to device a separate provision for Weapons of Mass

See, Paragraph 6, of the Co-Chairs' Summary Report of the meeting of the ASEAN Regional Forum Inter-Sessional Support Group on Confidence Building Measures and Preventive Diplomacy (ARF ISG CMBs & PD), Helsinki, Finland, March 28-30, 2007. Also see Paragraph 10 of the Chairman's Statement of the 15th ASEAN Regional Forum, July 24, 2008.
Destruction (WMD). The 2003 ISG in this context has only emphasised the need for restricted exports of military equipments and dual-use technologies to ensure denial to harmful elements access of such weapons of mass destruction and technologies.\textsuperscript{141}

The 2004 ISG Meeting supported the establishment of the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang on July 3, 2004. Several proposals of CBMs, their implementation and reports of their implementation have been tabled, considered and noted, of which civil-military relations, Preventive Diplomacy, regional maritime cooperation and non-traditional issues seemed to be the most important ones. Enhanced Role of the ARF Chair and the ASEAN Secretariat in ARF, draft guidelines for the operation of the ARF Expert and Eminent Persons (EEPs) were also put under consideration. Alongside the meeting on CBMs, Inter-sessional Meeting on Counter-Terrorism and Trans-national Crime and Workshops on Preventive Diplomacy have become regular and therefore can be considered as a form of Confidence Building.

The year 2005 was a year of serious contemplation as large parts of Southeast Asia was devastated by the tsunami that hit the region on December 26, 2004. The Special Leaders Meeting in Jakarta in 2005 adopted a Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster of December 26, 2004. The Twelfth ASEAN Regional Forum welcomed and endorsed this declaration.\textsuperscript{142} The ISG on Confidence Building Measures of 2005 was dwarfed by the number of other ISGs, workshops and statements made by the ARF. For instance, Workshop on Evolving Changes in the Security Perceptions of the ARF Countries, ARF Security Policy Conference, ISM­CT-TC, ARF CBM Workshop on Peace Arrangements Ensuring Stability and Security in the Region, Workshops on Civil-Military Cooperation, ARF Seminar on Enhancing Cooperation in the Field of Non-Traditional Security Issues, ARF CBM and a workshop on Regional Security in Maritime Security, ARF Seminar on Cyber Terrorism, ARF Seminar on Alternative Development, and ARF Statement on Information Sharing and Intelligence Exchange and Document Integrity and Security

\textsuperscript{142}Chairman's Statement of the Twelfth ASEAN Regional Forum, Vientiane, Lao PDR, July 29, 2005.
in Enhancing Cooperation to Combat Terrorism and Other Transnational Crimes. The list of the activities carried out under the aegis of ARF only reiterates the original point submitted that most of these issues were once the objectives of the the ISG on Confidence Building. In course of time, they have evolved into CBMs by themselves. Confidence Building Measures within the ARF have been gradually evolving.

In 2006, the ISG on Confidence Building had been renamed as the ARF ISG on Confidence Building Measures and Preventive Diplomacy. It indicates that the issue of overlap between both these concepts – Confidence Building and Preventive Diplomacy (shown as Stage I and Stage II in the Concept Paper of the ARF) had been addressed. One can infer that with the help of the recommendations provided by the ISG on Confidence Building they are in a position to be addressed in harmony without giving much chance to overlap or conceptual confusions. The ISG noted most of the important developments in regional and global politics. For instance, concerns were raised about Myanmar’s lagging standards of democracy, sectarian violence in Iraq, and regarding the publication of offending cartoons in European. They also expressed satisfaction over the positive post independence construction and evolution in Timor Leste. Non-traditional Security Issues were focused upon. It noted the spate of natural disasters and the need to strengthen international cooperation. In addition, the non-traditional aspects of maritime security gained importance through the paper prepared by the Philippines entitled “Regional Cooperation to Combat Threats to Maritime Security”. Other non-traditional issues that threatened the security of the states were health disasters like avian and pandemic influenza were considered to be very serious. Participants cited the success of the Beijing Conference, the International Partnership on Avian and Pandemic Influenza in building international partnerships based on political commitments to deal with such pandemics. ISG stressed on to transparency in reporting of influenza cases in humans and in animals, prompt sharing of epidemiological data with the World Health Organisation (WHO), capacity building to prevent and contain an emerging epidemic and early intervention in response to potential outbreaks. The list of dialogue exchanges between states is actually quite long; some of them are in continuation of earlier dialogues. Some of

144 Ibid.
145 Ibid.
them are the Workshop on Capacity Building of Maritime Security, Workshop on Civil-Military Operations, Workshop on Training for the Cooperative Maritime Security, the (Third) ARF Security Policy Conference, the (fourth) ISG Meeting on Counter-Terrorism and Transnational Crime, ARF Workshop on Capacity Building of Maritime Security, ISM on Disaster Relief, and the Workshop on Civil Military Operations. New dialogue-exchanges include ARF Meeting on Export Licensing, Seminar on Small Arms and Light Weapons, CBM Seminar on Missile Defence, Seminar on Non-Proliferation of Weapons of Mass Destruction, inaugural Meeting of the Experts and Eminent Persons, ARF Statement on Disaster Management and Emergency Response, and ARF Statement on Cooperation in Fighting Cyber Attack and Terrorist Misuse of Cyber Space, A People-Centred Approach to Counter Terrorism. The most important development in this context is a Concept Paper on Enhancing Ties between Track I and Track II in the ARF, and between the ARF and Other Regional and International Security Organisations. The paper proposed the invitation of both the chairs to CSCAP and ASEAN-ISIS at the ISG on Confidence Building and selective participation of Track II experts depending on the desire of individual ARF participant(s).

The ISG on Confidence Building has improved considerably since its inception in the mid 1990s. By 2007 the list of proposed and implemented CBMs, were rather impressive. The issues sought to be addressed in those lists include a wide variety of security concerns ranging from natural disasters, to coastal security, from cyber terrorism to peacekeeping, from narcotic control to Law of the Seas, from Anti Personnel Landmines, to implementation of PD in Asia and Europe. A new concept was introduced by Russia. The Federation tabled a draft ARF Statement on the Promotion of Inter-Civilization Dialogue for consideration and possible comments from participants.\textsuperscript{146} Many participants underlined the crucial nature of the fight against terrorism, which required not only the adoption of international and national laws and the improvement of law-enforcement efforts but also better regional and international cooperation. The non-ASEAN participants congratulated ASEAN on the signing of its Convention on Counter-Terrorism during the 12th ASEAN Summit in

Cebu in January 2007. The ISG session in the same year sought to reform the working processes of the ARF. Three other very important issues deserve mention. First, a number of participants have put forward proposals to overhaul the processes within the ARF. Second, in order to enhance the relations between Track I and Track II processes, representatives from the CSCAP participated and spelt out their activities, opinions and suggestions on various relevant security issues. They have urged a stronger interactive relation between the ARF and the CSCAP groups. Third, some of the participant states have begun to submit reports, progress of dialogues to the ISG voluntarily. This is known as Voluntary Briefing; for example, Indonesia made a briefing of a sub-regional meeting on terrorism or Cambodia briefed on a conference - “Mine Action: Implication for Peace and Development” co-hosted by Cambodia and Canada in Phnom Penh, on 11-14 March 2007. This is a very positive development towards building trust and confidence amongst states. It also proves the growing mutual trust between member states, a desire to be transparent and willing to share information. Transparency and the willingness to share information especially about internal activities is a Confidence Building and a huge step towards Confidence Building. Last but not the least at this session of the ISG on Confidence Building, there was a proposal for the establishment of a ARF Fund to carry on research activities, to begin with on Preventive Diplomacy (PD). Members have been requested to contribute generously.

Natural disasters became so prominent in the year 2008, (Nargis cyclone in May 2008 and earthquake in the Chinese province of Sichuan) that non-traditional issues took the forefront. The ASEAN Humanitarian Task Force, the first ever ASEAN led mechanism worked relentlessly to deliver humanitarian assistance to the victims of the cyclone Nargis. It did not however respond to the earthquake which is strange since China is closely associated with the ASEAN through the ASEAN+3 process. The ARF Inter-Sessional Meeting worked out a relief work-plan aimed at “coordinating ARF-wide or sub-regional training for disaster preparedness, and to explore the feasibility of a humanitarian assistance military and civil defence assets

147 See Section “Working Methods” in Ibid.
148 For details see, “Voluntary background Briefings” in Ibid.
149 For more on the kind of difficulties faced by the humanitarian agencies including ASEAN, see, ASEAN Briefing Paper, May 23, 2008.
template that could be used for disaster relief." 150 South China Sea continued to remain a crucial issue and the relevance of the Declaration on the Conduct of Parties in the South China Sea was so profound that the ISGs saw it as a Confidence Building measure. They encouraged the continued exercise of self-restraint by all the parties concerned and the promotion of Confidence Building Measures in this area and welcomed their commitment to resolving disputes in the South China Sea. Members look forward to a Regional Code of Conduct in the South China Sea. Non-traditional security issues continue to worry the members. Such security threats highlighted at the Meeting included: human trafficking as well as trafficking in illicit drugs and firearms; money laundering and the financing of terrorism; cyber-crime; and challenges to maritime security and cyber-security. They had taken note of some of the responses to these kinds of threats in the form of dialogues, seminars, workshops and conferences. For instance the 4th ARF Seminar on Cyber Terrorism, the Maritime Security Training Programme, the 6th ISM-CT-TC in Semarang, Indonesia, ARF Desktop Exercise on Disaster Relief, Draft ARF Standard Operating Procedures for Humanitarian Assistance and Disaster Relief were tabled, Energy Security meeting with the European Union was also held. A number of proposals for future interactions which would further strengthen the Confidence Building processes await ARF Ministerial Meeting in the Inter-Sessional year 2008-2009. 151 The study on various aspects of Preventive Diplomacy and the Future of the ARF continues and the representatives of the Track II Institutes involved have reported to the satisfaction of the members of the ISG the progress of the study. 152 CSCAP expressed its willingness to consider establishing new study groups based on ARF needs and solicited feedback on Regional Security Outlook for 2007. It suffices to say that various measures suggested through the sessions of ISGs, Confidence Building like ARF is a slow time taking evolutionary process.

Southeast Asia is home to a number of complex security issues that deserve ASEAN’s attention particularly through the ARF. The need for Confidence Building is felt time and again in a number of issues especially in the non-traditional security domain. The

150 Chairman’s Statement of the 15th ASEAN Regional Forum, Singapore, July 24, 2008.
151 For the details of these proposals, see, 'Co-Chairs' Summary Report of the Meeting of the ASEAN Regional Forum Intersessional Support Group on Confidence Building Measures and Preventive Diplomacy, Ottawa, Canada, April 3-4, 2008.
152 Ibid.
activities of the ISGs on Confidence Building as discussed above gives a glimpse of
the kind of Confidence Building activities that are on within the ARF. Yet there is one
single complex situation within Southeast Asia that is a direct military threat to the
security and stability of the region – the case of South China. It is a case that has been
demanding solutions for a very long time; it is also a befitting case for Confidence
Building. ASEAN has been trying to ensure that. As a concrete example, one can look
into the case of South China Sea.

South China Sea involves China and some of the states of ASEAN (Vietnam,
Philippines and Brunei). The South China Sea and the disputed islands within it is
complex because of geographical and even legal reasons. Michael Leifer explains the
problems in a concise manner:

These islands lack both geographic and legal coherence because there
is no agreed definition of their extent; not all claimant states treat the
entire group as a single geo-legal entity. In addition, the extent of
mixed occupancy and overlapping claims means that the issue of
sovereignty cannot be addressed conclusively at the bilateral level of
relations and has never been contemplated beyond it in multilateral
dialogue.\(^{153}\)

It was perhaps because of this complexity, that the diplomatic involvement of
ASEAN comes a little late. It is in response to the Sino-Vietnamese naval clashes in
the late 1980s that ASEAN began giving attention to the problem of the South China
Sea. It is surprising that the countries of ASEAN did not encourage military
engagements perhaps because they feared renewed bloc politics over the disputed
region. However before ASEAN, informal attempts had been made by Indonesia as a
neutral state to organise some form of dialogue exchanges.\(^{154}\) It resulted in a series of
Workshops on Managing Potential Conflicts in the South China Sea. These
Workshops made a number of proposals suggesting cooperation in the South China
Sea stressing on the pacific settlement of their disputes. Those interactions will be
discussed later.

\(^{153}\) Michael Leifer, “Stalemate in South China Sea”, Asia Research Centre, London School of

\(^{154}\) It may be noted that since 1991, Indonesia has been hosting informal workshops on South China
Sea. They are known as the Workshops on Managing Potential Conflicts in South China Sea. The
workshops continue till present.
By the early 1990s, the Cambodian conflict had come to an end and it was possible for ASEAN to pay attention to the South China Sea. In 1992, ASEAN responded to China's Law by making a Declaration on South China Seas. The Declaration underlined the importance of cultural and historical ties. It emphasised that based on such historical ties and cultural commonality the countries have respect for territorial sovereignty. Under such circumstances the South China Sea issue is extremely crucial and any adverse developments would harm the stability of the region. The Declaration thus emphasised on the need for cooperation and the need for self-restrain with regard to the threat or use of force. It emphasised on the importance peaceful settlement of disputes. Most of these suggestions have been already made by the earlier held workshops. The ASEAN Regional Forum did not produce a formal code of conduct rather an informal code of conduct; its provisions were in line with the all-important treaty of ASEAN, the TAC. The principle of non-interference and consensus made it difficult for ASEAN to create any pressure or condition that would make China act in a non-hostile manner and totally renounce the use of force. It also must be kept in mind that ASEAN was not a strict politico-security organisation. Therefore, until the birth of the ARF, security was one of the concerns of ASEAN but not the primary concern. The countries of ASEAN were not in great hurry to come to some form of decision regarding the South China Sea problem. All the states are not party to the dispute, neither have they had a unanimous security perspective. The problem of different perspectives with regard to different perspectives has been well expressed by Odgaard:

The South China Sea is a source of disunity if viewed from the perspective of cooperation. Malaysia is the status quo state, favouring continued US presence despite a critical approach to US economic and political interference in Southeast Asia, and advocating a policy of appeasement towards China. Indonesia is the midwife, maintaining friendly, but guarded, relations with the USA and China and advocating that peace and stability be achieved through extensive cooperation. Vietnam and the Philippines form the suspicious activists, fearing that Chinese hegemonic policies will target them. They are heavily engaged in establishing dialogue and a code of conduct, but doubt that ASEAN is able to engender genuine cooperation with China. Thailand and Singapore are the armed activists, supporting the view that peace and stability through cooperation is possible, provided that US military balancing of China is maintained. Consequently, their concern is to persuade China that US–Southeast Asian military cooperation is not aimed at containing China. Myanmar, Laos,
Cambodia and Brunei constitute the followers on the South China Sea issues. As a rule, they avoid adopting independent stances.\footnote{Liselotte Odgaard, "The South China Sea: ASEAN’s Security Concern About China", \textit{Security Dialogue}, vol.34, no.1, 2003, pp.11-24}

The Declaration found only a modest support from the United States and not more. In August 1992, Paul Wolfowitz of the US Defence Department displayed their support by stating that all countries concerned should settle their disputes peacefully without resorting to force. He also supported Indonesia’s offer to host the informal workshops.\footnote{Yamm-heui Song, "The US Policy on the Spratly Islands and the South China Sea", \textit{The Indonesian Quarterly}, Vol. 25, no.3, 1997, p.326.} The Chinese authorities were not against the Declaration but they were not very keen on supporting multilateral dialogues regarding South China Sea. One can note here that the ASEAN-China Dialogue process had started in the year previous to the Declaration but that did not help change China’s perspective on the South China Sea. In fact when the ARF meet the first time in 1994, the Chinese still had their reservations against discussions on the South China Sea. The Chinese representative to the ARF, the foreign Minister Qian Qichen clearly took a cautious approach towards multilateral dialogues with regard to the South China Sea. Their preference for bilateralism to multilateralism was clear. At ARF, he clearly stated that in specific issues, China and some its neighbours had adopted the bilateral approach in implementing trust building measures that will surely improve the state of peace and security in the region. However his scepticism was clear when he said that trust building measures and preventive diplomacy were not good enough to solve the internal problems of the region. From this it can be inferred that the Chinese were not particularly welcoming of the idea of multilateral engagement on the South China Sea. They view their claims to the region as a matter of their domestic policy.\footnote{Lai Lee To, \textit{China and the South China Sea Dialogues}, Westport, Praeger Publishers, 1999, p.32.} However in view of the Mischief Reef Incident in 1995, the Chinese were ready to talk at the multilateral forum and also accepted the United Nations Convention on the Law of the Seas (UNCLOS) 1982. Subsequently China became a full ASEAN dialogue partner in 1996. It also became a part of the ASEAN+3 processes which had started in 1997 and a participant of the ASEAN Informal Summit.
The ARF has been constantly keeping note of the discussions between the ASEAN members and China. Dialogues continue with ASEAN-China political consultation process, they are also discussed at the ASEAN-China Informal Summits that have begun since 1997. However, it is strange that so many methods of discussion had failed to bring about any concrete solutions to the South China problem. Therefore at the 1999 Informal summit, the Heads of the States underlined the necessity of a Regional Code of Conduct for South China Sea, they noted the preparation of a draft of such a Code of Conduct.\textsuperscript{158} This initial draft was debated intensely and surprisingly, Malaysia too was not interested in supporting the draft for they found it too legalistic.\textsuperscript{159} In fact Malaysia proposed its own draft on the Code of Conduct at the 35\textsuperscript{th} ASEAN Ministerial Meet which was not acceptable to the other members for it had several drawbacks. Expressing its negative sides, Ralf Emmers comments, “[t]he non-binding document to regulate conduct in the disputed territory was a watered down compromise, even failing to mention the Spratlys by name. It was also unclear whether the agreement would be referred to as a Code of Conduct or as a Declaration.”\textsuperscript{160} Most member States refused to support the Malaysian proposal, with Vietnam and the Philippines insisting for instance on the adoption of a binding document on the South China Sea. Unable to reach a consensus, the foreign ministers announced in their joint communiqué their decision to work closely with China towards a Declaration on the Conduct of Parties in the South China Sea.”\textsuperscript{161} China had also placed its own version of Code of Conduct, yet it had its own drawbacks, for example its draft of the Code of Conduct did not mention restrictions on constructing buildings on occupied Spratly features in explicit terms, unlike the ASEAN draft of December 1999. Instead, it merely includes the bland stipulation that “activities that might complicate and escalate disputes should be refrained (from).”\textsuperscript{162}

\textsuperscript{158}Chairman’s Press Statement on ASEAN 3rd Informal Summit, Manila, Philippines, November 28, 1999

\textsuperscript{159} Ralf Emmers, “Maritime Disputes in South China Sea: Strategic and Diplomatic Status Quo”, IDSS Working Papers Series No. 87, Institute of Defence and Strategic Studies, Nanyang Technological University, Singapore, September 2005, p.11.

\textsuperscript{160} Ibid.

\textsuperscript{161} Ibid. Also see “Responding to Challenges: Securing a Better Future”, Joint Communique of the 35\textsuperscript{th} ASEAN Ministerial Meeting, July 29-30, 2002.

The ASEAN Declaration of the Code of Conduct 2002 is the culmination of a series of discussions that have been going on since the ASEAN Declaration of the early 1990s. (Track II interactions like Workshops on Managing Potential Conflicts in South China Sea shall be discussed later). Given the background that the Chinese earlier shunned multilateralism and did not hesitate to use force in the disputed zones, a joint Declaration between ASEAN and China can be seen as an achievement in strengthening mutual trust and confidence. The Declaration is a remarkable piece of document since it stipulates adherence to a number of other documents. The Declaration clearly says that, “The Parties reaffirm their commitment to the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law which shall serve as the basic norms governing state-to-state relations.”

Thus, it is a political initiative towards building trust but it draws substantive power from legal documents. It also is a document that looks at both the issues of military and non-military security threats. On the one hand, it has once again reiterated the need to resort to peaceful settlement of disputes, refrain from use of forces and the need to exercise self-restraint. On the other hand, it speaks of cooperation on a number of non-military security issues – to protect marine environment of the region, to ensure safety sea passage, to combat transnational crimes and to cooperate in search and rescue missions. Most importantly the Declaration has enlisted a number of concrete CBMs like, holding dialogues and exchange of views as appropriate between their defense and military officials; notifying, on a voluntary basis, other Parties concerned of any impending joint/combined military exercise; and exchanging, on a voluntary basis, relevant information.

One may think of the document as a form of CBM because if the states abide and implement the contents of the Declaration, it will go a long way in establishing conditions necessary to settle the disputes involving jurisdictions and disputed claims. Yet the drawback of this Declaration is that it is not binding on any of the signatories to the Declaration and therefore falls short of becoming a forceful abiding document. Stein Tonnesson goes to the extent of calling it nothing but “a

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163 Declaration of the Conduct of the Parties in the South China Sea, Cambodia, November 1, 2002.
164 Ibid.
political statement"\textsuperscript{165} and therefore it is not expected to provide any antidote to future conflicts over forceful occupations, forceful detention of unfortunate sailors or fishermen. The threat to security within the region of South China Sea is far from removed. The fate of the South China problem rests largely with China. China accepted the need for cooperative dialogue and confidence building in order to resolve the South China Sea dispute. In 2003, at a joint declaration with the ASEAN countries, it reiterated its stand on confidence building and peaceful resolution of disputes with regard the South China Sea.\textsuperscript{166} In pursuit to that Declaration, the Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity 2003, emphasised, the need to “[p]romote trust and Confidence Building through cooperative activities in accordance with the principles of DoC in particular, those of consultation and consensus among the concerned Parties in South China Sea, pending the peaceful settlement of the territorial and jurisdictional issues as stated in the DoC.”\textsuperscript{167}

One of the reasons that China has cooperated in the formation of the Declaration is because China sees sense in economic cooperation in the region. South China Sea has vast resources and China would not like to loose the opportunity of using the petroleum resources available in the region. It is an energy hungry state and perhaps would even like to export petroleum to other countries. In 2005, three oil companies from China, Vietnam and the Philippines signed a landmark tripartite agreement in Manila to jointly prospect oil and gas resources in the disputed South China Sea. Earlier in the same year China had expressed its eagerness in undertaking joint oil exploration ventures. During Hu Jintao's state visits to Brunei, Indonesia and the Philippines in April 2005, he told the three countries' top leaders that China is willing to shelve disputes and engage in joint development to transform the South China Sea into waters of friendship and cooperation between China and ASEAN.\textsuperscript{168} This clearly

\textsuperscript{166} Joint Declaration of Heads of State/Government of the People’s Republic of China and eth Member States of the ASEAN on Strategic Partnership for Peace and Prosperity, Bali, Indonesia, October 8, 2003.
\textsuperscript{167} Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity 2003, Eighth ASEAN-China Summit, Vientiane, November 29, 2004.
\textsuperscript{168} See, “China, Vietnam agree to promote South China Sea Joint Exploration", Press Release by the Embassy of the People’s Republic of China in Australia, 20.07.2005. However, the agreement was stalled in mid 2008 due to opposition from the Philippines. It is to restart from 2009.
proves the fact that the Chinese are also interested in keeping at abeyance the issues of dispute in order to make economic gains. However it does not mean that China is ready to compromise on its territorial claims. It will cooperate with ASEAN states so long as these states do not challenge Chinese claims of territorial jurisdiction. Joint explorations will also depend on the genuine desires of both the sides and their conscious attempts to avoid further squabbles over claims to the sea zones.

One can describe the Declaration as the penultimate step towards the final solution in the South China Sea. Yet the reality is that solution will be difficult to achieve because China shall never compromise its stand on South China Sea for they see it as a matter of sovereignty. As mentioned earlier China will avoid any discussion that speaks of territorial jurisdiction, and it will not commit to any document that will have a legal and binding effect. Therefore China is under no compulsion to work with ASEAN in solving the problems; it can only at best assist ASEAN in conflict management to the extent its interests are not compromised. Even within ASEAN it is doubtful whether all the states will agree to a legally binding document on South China Sea. We can be reminded of the Malaysia’s opposition to the original draft of the Declaration of the Code of Conduct. Their mutual suspicions, differing threat perceptions, are challenges to a proper solution to the South China Sea situation. To that extent ASEAN is nowhere close to conflict resolution, at best it is into serious conflict management. So long as the parties have a reservation against abiding doctrines of conflict resolution, the Track II process can continue to provide vital support by providing valuable feedbacks and suggestions from their interactions. Therefore Track II is a very important component of conflict management (and for conflict resolution in the future) of the South China Sea.

Another aspect of the ASEAN-China relationship is the dialogue process between the two sides that by 2006 was a decade and a half old. In October 2006, ASEAN and China signed a joint statement on strategic partnership. It is titled as “Towards an Enhanced ASEAN-China Strategic Partnership”. Though it is named as strategic partnership, it includes sections on economic and socio-economic cooperation. It reaffirms, the Joint Statement of the Heads of State/Government of the Member Countries of ASEAN and the President of the People’s Republic of China 1997 the Joint Declaration on the ASEAN-China Strategic Partnership for Peace and Prosperity
2003, the ASEAN-China Plan of Action 2004 to Implement Joint Declaration on the ASEAN-China Strategic Partnership for Peace and Prosperity and Other Agreements/MoUs between ASEAN and China.\textsuperscript{169} In this Declaration China has shown its interest in adoption of a code of conduct on the basis of consensus. But nowhere does it show interest in settling jurisdictional disputes through consultation and consensus. However China has indicated its intention to join the Protocol to the TAC and wishes to continue consultation on this matter.\textsuperscript{170} If China joins TAC, then it will be a great achievement for ASEAN and a positive outcome of Confidence Building activities.

The ARF has to deal with the rising threat of terrorism in the region. Therefore terrorism is another important issue that demands Confidence Building. In response to the rising spate of terrorist attacks ARF has managed to bring out certain statements condemning acts of terror in Southeast Asian countries. For instance in 2001 the ARF Chair had condemned the attacks of 9/11 and had decided that the ARF will address ways and means to fight against terrorism in its future deliberations.\textsuperscript{171} Following this there were statements of condemnation of the Bali explosions in 2001.\textsuperscript{172} Since 2002 ARF began looking into the various aspects of terrorism. For instance, as on the one hand ARF conducted workshops to prevent terrorism that provided a list of recommendations to the participating states,\textsuperscript{173} on the other hand ARF considered freezing identified terrorist financial assets.\textsuperscript{174} ARF has also looked at cross-border links in terrorist networks that makes it difficult for State governments to deal with such terrorist groups; it has suggested certain measures for security cooperation on border security.\textsuperscript{175} ARF has also conducted workshop that focuses on dealing with consequences of major terrorist attack.\textsuperscript{176} As has been mentioned earlier, ASEAN has

\textsuperscript{169} Joint Statement of ASEAN-China Commemorative Summit, Nanning, China, October 20, 2006
\textsuperscript{170} "Paragraph 13", Joint Statement of ASEAN-China Commemorative Summit, Nanning, China, October 20, 2006.
\textsuperscript{172} Statement of the Chairman of the ASEAN Regional Forum (ARF) on the Tragic Terrorist Bombings in Bali, Phnom Penh, October 16, 2002.
\textsuperscript{174} ARF Statement on Measures against Terrorist Financing, Bandar Seri Begawan, July 30, 2002.
\textsuperscript{176} Co-Chairs‘ Summary Report on the ARF Workshop on Managing the Consequences of a Major Terrorist Attack, Darwin, June 3-5, 2003.
linked Terrorism with Transnational Crime; in line with this perspective ARF in course of time has been conducting Inter-sessional Meetings (ISMs) on Counter-Terrorism and Transnational Crime. Therefore Cooperation on Counter-Terrorism has sought to become a CBM within the ARF to the extent that the ARF has been seeking for a people-centred approach to counter terrorism. In doing this, ARF underlines the importance of Track II processes in dealing with complicated time-taking non-traditional conventional issues like Terrorism. However one wonders whether ARF could actually go beyond recommendations and suggestions. For instance despite the statements and recommendations of the ARF since 2001, terrorist attacks continue unabated in various parts of Southeast Asia. The ARF does not have its own task force that can deal with terrorist outfit. Although the way in which ARF has given importance to the question of terrorism, it seems that the Forum is taking onto a proactive rather than reactive position. For instance, ARF’s focus on terrorist financing can be read as a proactive approach of the ARF towards because it seeks to freeze all the assets owned by the terrorists and devoid them from financial support required to carry on their activities. In a way even the Workshop on Managing the Consequences of a Major Terrorist Attack is a proactive doctrine. A part of the doctrine explained that,

In their discussions on dealing with the consequences of a major terrorist attack, and the distinct requirements of such an attack, participants shared the expertise on management of: structural collapse, urban research and rescue, treatment of the disaster site as a crime scene, including preservation of forensic evidence, the special challenges arising from the deployment of chemical, biological or radiological agents or devices; and the medical capability for handling mass casualties.

Such cooperative proactive measures are clearly reflective of the apprehension of major attacks in the region. Further they are indicative of the fact that measures taken by the ARF are no full proof guarantee against the terrorist attacks. All the ARF can do is hope that these cooperative measures taken by the signatory states are acted out in good faith and are able to act as effective counter terrorism measures. Terrorist activities continue unabated and in addition by 2006 Jemaah Islamiyah and al Qaeda

177 For ARF's focus on People-Centred Approach, see, ASEAN Regional Forum Statement on Promoting A People Centred Approach to Counter Terrorism, Kuala Lumpur, July 28, 2006.

178 Op.cit.no.177.
has officially declared the two forces would close ranks. This will make the task of thwarting terror in Southeast Asia very difficult for the ARF. As of now the task of dealing with the terrorist lies with the individual states and therefore the credibility of ARF is to be proven.

The ARF is more than a decade old, precisely eighteen years. It is considered as the only official institutional device of the ASEAN that looks into the security of the region. It is a dialogue forum, which believes that discussions can help achieve solutions. It also conceives for itself as one of its primary goals, Confidence Building. The presumption is that the lack of confidence, mutual trust and faith between the states of Southeast Asia has created problems, aggravated them and taken them far from solutions. Yet eighteen years of its experiences in dealing with various security issues have not given it an identity prominent enough to dissociate from the character of the ASEAN. Time and again ASEAN has reiterated the fact that it is the cornerstone of the ARF. The latter had adapted as its own the principles of ASEAN and functions according to them. Therefore, ARF as a device of Confidence Building thinks and acts like the ASEAN. Its ministerial meets are held in context of the ASEAN PMCs. It is not surprising that any discussion regarding the ARF will entail a discussion on the ASEAN.

One needs to ask why ASEAN is in the driver's seat. Sukuma Rizal has provided four reasons for this. First that it was ASEAN who gave birth to the ARF, therefore it is likely to guide the ARF in all its activities. As a multilateral forum ARF would look to the only multilateral regional organisation of the region. ASEAN was the only viable example. Second since ASEAN had treaded into the path of politico-security cooperation through the famous Singapore Declaration of 1992, it could not leave the entire responsibility on the hands of a new born organisation to implement the Singapore Declaration. Third, ASEAN had enough administrative experience to take care of the administrative responsibilities of the ARF. Moreover with the presence of ambitious players like China and the US, ASEAN could not take the risk of leaving ARF on its own. Last but not the least, since the birth of the ARF, there has been no

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alternative administration that can prove better than the ASEAN. However Sukuma has argued that none of these proves the credibility of the ASEAN in leadership. He opines that, “the four reasons discussed above also point to a not-very-pleasant interpretations that ASEAN’s ‘leadership’ role in the ARF is the result not only of an act of corporate will, but also of strategic convenience. ASEAN’s centrality in the ARF process is acquired not by design in the sense that the position was secured as a result of ASEAN’s diplomatic exercise, but more by default in that such central position was given and entrusted to ASEAN primarily for the reason of strategic convenience.”\textsuperscript{181} Naturally the ‘ASEAN Way’ dominates conflict management and Confidence Building so much that ARF has failed to conceive one of its own ways of functioning.

Discussions on the ARF, its role and its evaluation cannot be done keeping distance from the ASEAN. With this condition in mind it has been seen that in recent times debates regarding the activities of the ARF, two prominent schools of thoughts have presented different views. They are the Realists and the Constructivist. The Realists emphasise on balance of power and argue that ASEAN and in turn the ARF is primarily designed to manage the balance of power of Southeast Asia. Leifer in particular thinks that though there is nothing called a realist security culture in the ASEAN but, “the collective goal was to promote a balance or distribution of power that would enable the Association to maintain its operational security doctrine without provision for collective defence.”\textsuperscript{182} In realism the most common interpretation has two sides. First, that for ASEAN a constructive regional order would be ideally based on the balancing military engagement of the United States. Second, ASEAN strongly resists any confrontation with China because that would imperil the economic activities of the region.\textsuperscript{183} In a nut shell, the rationale behind ARF’s establishment was ASEAN’s attempt at engaging the US within the region and at the same time maintain friendly relations with regional giants especially China. Thus, ARF for ASEAN is an instrument of strategic convenience and an instrument of balance of power.

\textsuperscript{181} Ibid.
\textsuperscript{182} Op.Cit. no.15, p.19.
\textsuperscript{183} Ibid, p.18-19.
The Constructivists on the other hand see ASEAN as a brewery for norms which attempts to give the organisation its own identity. It can be inferred that the process of Confidence Building makes a telling contribution in the evolution of norms and identity of the ARF. However given the centrality of the ASEAN, ARF has no norm of its own. It merely functions in accordance to the norms of the ASEAN. Shaping and sharing of norms regulate actors' activities by providing them permissible limits of their actions. In addition, in encouraging security cooperation through a multilateral forum like the ARF, a common definition or at least a common perception of regional security is formed that all the members would share and adhere. There is one perceptible problem here. Norms that are shared by the members of the ASEAN are those norms which address the problems of security of the region and do not to address security problems of individual states. Looked at it in the reverse order, it is difficult to assume that all the states of Southeast Asia will develop a common perception of what constitutes regional security simply because of the wide range of security problems states as individual units face. Whatever conventional explanation the realists give of ASEAN and ARF, and tag them with the act of balance of power, it is likely to falter simply because states of Southeast Asia have separate perspectives regarding the implications of the presence of these powerful outsiders.

Perhaps the truth about ARF's identity dwindles somewhere between the realist perspective and the constructivist one. It is true that ASEAN has come a long way in establishing its identity as a corporate entity. But its efforts are rooted in the reality of the security situation of the region. The reality is that ASEAN needs both the US and China without being overpowered by their presence. The norms of peaceful coexistence, consensus, and consultation have been accepted with an eye to the need for maintaining the sensitive balance. States have accepted these norms and their actions are regulated by these norms. Yet as mentioned earlier, the reality is that norms are created in order to deal with the real threat perceptions. Therefore realists are true to the extent that the actions of the states, whether external or internal are based on their estimation of interests and self-aggrandisement. Individual states (members to the ARF) determine national policies, security programmes not to act in

184 Norm brewery has been coined by Hiro Katsumata in order to evaluate the role of the ASEAN in developing norms and practices. Hiro Katsumata, "Establishment of the ASEAN Regional Forum: constructing a 'talking shop' or a 'norm brewery'?", The Pacific Review, vol.19, no.2 June 2006, 181-198.
accordance to some regional norm that has no abiding effect, but because they need to promote their interests and achieve their goals. The South China Sea is the best example of this kind of reality. The imposing presence of the Chinese and the constant apprehension by the member states especially the pro-west states has proven to an extent that it is the balance of power that steers norm making in ASEAN and not vice versa.

Under such circumstances, where ARF struggles to maintain the balance of power and ASEAN continues at its effort to acquire an identity of its own, Confidence Building will continue to be a very important constituent of regional peace and security. Yet the priorities of individual state interests and complex strategic calculations by the members of this organisation have become formidable impediments in the way of building mutual trust and confidence. The discussions on Track I are therefore are not as smooth and productive as may be expected of them. It is here that the Track II processes can become very important in fulfilling the requirements of the regional peace and security through Confidence Building. The importance and capacity of the Track II in invigorating the Confidence Building process has been accepted by the ARF. There is an active Track II process within the ARF, their inputs are accepted and incorporated within Track I processes. Seminars, dialogues and workshops are an inalienable part of Track II process. They involve eminent personalities, public servants, bureaucrats, statesmen in their personal capacity, intellectuals who freely exchange their views and opinions and often make serious recommendations to Track I. The workshops on South China Sea are a case to be noted. It will be the scope of the next chapter to look at the some of the prominent Track II processes that enrich ASEAN and in turn ARF’s ability to address the security concerns of the region.