



Development of ASEAN Preventive Diplomacy Cooperation and the ASEAN Way

ARF Preventive Diplomacy Training Course

14 October 2014

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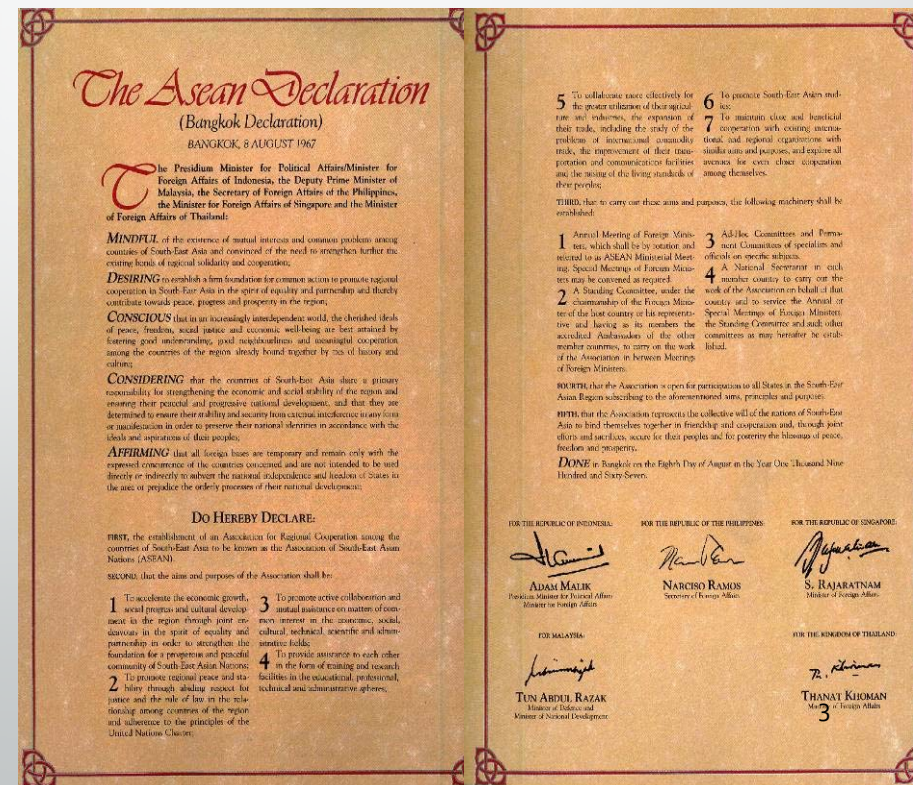
Overview

- **ASEAN: an Exercise in PD**
- **ASEAN Instruments of PD**
- **ASEAN Way**
 - **ASEAN Way and the ARF PD**
- **Future of ASEAN PD**
- **ARF PD**

ASEAN : an Exercise in PD

Bangkok Declaration, 8 August 1967:
Purpose of ASEAN:

"Promotion of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the United Nations Charter."



ASEAN: an Exercise in PD

- **Proclamation of ASEAN as representing "the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity."**

ASEAN: an Exercise in PD

- **Historical backdrop at the creation:**
- **Decolonisation/Ideological rivalry**
 - **Dispute between Malaysia, Indonesia, and Philippines over Sabah (North Borneo)**
 - **Indochina conflict: withdrawal of US from Vietnam**
 - **Small countries binding together in absence of security guarantee from major power(s)**

ASEAN: an Exercise in PD

- Set up of ASA in 1961/ASPAC in 1966
- FM Thanat Khoman brought up the idea of while playing conciliatory role over Sabah dispute between Malaysia, Philippines, and Indonesia.
- Singapore joined.
- Concept of regionalism / regional cooperation
- After establishment of ASEAN, Indonesia restored diplomatic relations with Malaysia, and soon after Singapore.
- Never intended to be a military alliance

Fast forward: Present Day

- ASEAN has successfully transformed Southeast Asia that was rife with inter-state conflicts into an emerging ASEAN Community
 - ASEAN has maintained peace, stability, and security through instruments such as ZOPFAN, TAC, and SEANWFZ.
- Decades and peace and stability has enabled economic development, prosperity , and transformed ASEAN into an engine of growth

Facts



Population – 616.614 million

Surface area- 4.35 million sq km

Total GDP 2,311 billion US dollars (2012)

Total trade 2,511 billion US dollars (2013)

Total net FDI inflows 122.3 billion US dollars (2013)

Source: www.asean.org

ASEAN was founded
in Thailand in 1967.

Founding members:

- Thailand
- Malaysia
- Indonesia
- Philippines
- Singapore

Additional members:

- Brunei 1984
- Vietnam 1995
- Laos 1997
- Myanmar 1997
- Cambodia 1999

ASEAN Instruments of Peace and Stability

- **1971 Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN)**
- **1976 Treaty of Amity and Cooperation (TAC)**
- **1995 Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ)**
- **2007 ASEAN Charter**

What they do

- **Manage regional security, peace and stability**
 - **Contain norms, principles, modalities for pacific settlement of disputes**
 - **Threat reduction measures**
 - **Provide for regular dialogue and cooperation**

ZOPFAN

- **“Neutralization of Southeast Asia”**
 - **ASEAN Member States undertake to maintain their impartiality and refrain from involvement, particularly between powers outside the Zone.**
 - **Outside powers shall not interfere in domestic or internal affairs of the Zone States.**

TAC

- Beyond ZOPFAN: relations among “High Contracting Parties” including those outside ASEAN
- Code of conduct governing Interstate relations
- Article 2: Principles guiding relations among HCPs
 - a. Mutual respect for independence, sovereignty, equality, territorial integrity and national identity of all nations;
 - b. National existence free from external interference, subversion or coercion
 - c. Non-interference in the internal affairs;
 - d. Settlement of disputes by peaceful means;
 - e. Renunciation of threat or use of force;
 - f. Effective cooperation

TAC (continued)

- **Two contributions to regional peace and stability:**
 - **Renunciation of the use of force**
 - **Peaceful settlement of disputes**
 - **Dispute Settlement Mechanism: TAC High Council**
- **TAC acceded by non-ASEAN countries**
 - **Currently 32, the latest being Norway (acceded July 2013)**

SEANWFZ

- **Keeping SEA free from nuclear weapons: contribution of AMS to global peace and stability.**
- **Development: political-security and disarmament considerations**
 - **Signed by all 10 Southeast Asian Nations leaders at the first SEA-10 Summit (1995)**
 - **Rooted in ZOPFAN (prohibition of nuclear weapons and their components) and NPT, among others.**
- **Ensure nuclear transparency in the region: build mutual trust and confidence**

“ASEAN WAY”

- No official definition
 - “Evolved norms, behaviors, and habit of intra-ASEAN relations”
 - Uniquely Asian: Malay concept of “*musyawarah*” (consultation) and “*mufakat*” (consensus)
- Characteristics
 - Consensus decision-making
 - Non-interference
 - Non-use of force
 - Dialogue and consultation
 - Informality
 - Flexibility

ASEAN Way (continued)

- Critiques
 - Ambiguous, nebulous
 - Consensus decision-making leads to tendency to “agree to disagree” and move on without resolving issues or arrive at lowest common denominator as an agreement
 - Therefore, ASEAN will have more difficulty when dealing with an increasingly uncertain security environment

ASEAN Charter

- **Aims of The ASEAN Charter:**
 - Rules-based
 - More effective
 - People-centered
- **Three Pillars:**
 - ASEAN Political Security Community (APSC)
 - ASEAN Economic Community (AEC)
 - ASEAN Socio-Cultural Community (ASCC)
- **Specific provisions for settlement of disputes, which includes good offices , conciliation, or mediation by the ASEAN Secretary-General/refer to Summit to decide in case consensus cannot be reached. Still based on consultation and consensus**

ASEAN Political and Security Community

- Promote peace and stability
- Live in peace
- Peaceful dispute settlement
- A rules-based community with shared values and norms such as democracy, good governance and human rights
- Shared responsibility for comprehensive security, addressing traditional and non-traditional security challenges
- Dynamic and outward-looking region in an increasingly integrated and interdependent world

ASEAN Way and PD Experiences

- **Myanmar (joined ASEAN 1997)**
 - Constructive engagement, support and encouragement, and “keeping the door open” are more effective than sanctions, isolation, and marginalization to bring about positive change.
- **Cambodia (joined ASEAN 1999)**
 - ASEAN helped to end conflict through UNGA resolutions and supporting dialogue and political process that eventually led to the Comprehensive Political Settlement reached in Paris in 1991. (PICC)

ASEAN Way and PD Experiences

- No armed conflicts in the region but flashpoints
 - South China Sea
 - Declaration on the Code of Conduct of the Parties in the South China Sea (DOC) (2002)
 - Parties involved to use peaceful means
 - Openly denounces use of force
 - Parties to undertake cooperative activities
 - Signing of DOC illustrates China's willingness to respect ASEAN principles
 - China became the first non-ASEAN to sign the TAC in 2003

ASEAN Way and PD Experiences

- **Code of Conduct of the Parties in the South China Sea (COC)**
 - All parties have committed to fully implement the DOC and started negotiations for an early conclusion of the COC
 - ASEAN and China's approach: disputes are to be resolved bilaterally between claimants, all countries work on maintaining peaceful environment conducive to dispute settlement

ASEAN Way and PD Experiences

- **Korean Peninsula**
 - **At the 7th ARF in Bangkok in 2000, DPRK participated for the first time**
 - **Thailand invited DPRK to join the ARF at the request of the US to facilitate an informal meeting on the sideline**
 - **First informal dialogue between the US and DPRK helped mitigated tension in the region**
 - **Precursor to the Six-Party Talk**

ASEAN Way and PD Experiences

- **Thailand-Cambodia Border Conflict 2011**
 - **Indonesia (ASEAN Chair in 2011) acted as facilitator for dialogue**
 - Even though the issue went to UNSC which called for permanent ceasefire, but it was handed back to ASEAN.
 - Parties accepted third-party monitors from Indonesia but did not materialise
 - Both parties resorted to bilateral mechanisms
 - **Test of ASEAN Charter which provided basis for Indonesia's role:**
 - Article 32 "good offices" of the Chair
 - **Continuous dialogue and bilateral diplomacy to maintain friendly relations, exercise of self-restraint, acceptance of ICJ ruling: adherence of parties to peaceful mean of dispute settlement**

ASEAN Way and PD in ARF

- **“ARF Concept and Principles of PD” adopted at the 8th ARF in Hanoi in 2001**
 - **Definition “consensual diplomatic and political action taken by sovereign states with the consent of all directly involved parties”**
 - **To prevent disputes that threaten peace and stability**
 - **To prevent disputes from escalating to armed confrontation**
 - **To minimize impact of disputes and conflicts in the region**

ASEAN Way and PD in ARF

- **Principles of ARF PD influenced by “ASEAN Way”**
 - **Diplomacy: peaceful methods**
 - **Non-coercion**
 - **Trust and confidence**
 - **Consultation and consensus**
 - **Voluntary**
 - **Conducted in accordance with TAC principles**

PD mechanisms in the ARF Work Plan on PD

- Strengthen cooperation in ARF areas of HADR/CTTC/Maritime Security/NPD and PKOs
- Implement and Enhance CBMs
- Annual ARF Security Outlook
- Standardised formats and reporting for CBMs
- Workshops and Training on PD
- Role Expert and Eminent Persons' Group/CSCAP/ASEAN-ISIS
- Good offices such as ARF Chair, ASG, Friends of ARF Chair
- Strengthen ARF Unit
- Fact finding /observer missions

Critiques of ASEAN Way of PD in ARF

- Absence of political will to use established mechanisms
 - Tools are of “little value”
- “Talk Shop” – consensus decision-making an obstacle to move ARF from CB to PD.
- Institutionalization of PD in the ARF makes it rigid while most members still prefer informal , flexible and quiet diplomacy.
 - Informality and flexibility may work best in a diverse forum like the ARF.
 - How can we strike a balance between PD principles based on “ASEAN Way” and more “Western” PD mechanisms based of the ARF?

ASEAN Way – the Way Forward

- **As the region’s geopolitics become increasingly complex and ASEAN becomes increasingly integrated, strict adherence to principle of “non-interference” may not be conducive to regional peace and stability.**
 - **Environment of uncertainty, diversity, yet increasing trust deficit**
 - **ASEAN has to engage outside powers whose conflicting interests affect peace and stability in the region.**
 - **Emergence of the civil society and a “people-centered” ASEAN calls for openness and engagement with non-state actors**
 - **Maintain and drive ASEAN Centrality in Regional Architecture**

New ASEAN Bodies under the APSC

- **ASEAN Inter-governmental Commission on Human Rights (AICHR)**
 - Created to support ASEAN as a rules-based community that respects fundamental freedoms and the promotion and protection of human rights
- **ASEAN Institute for Peace and Reconciliation (AIPR)**
 - Created to support and advance peace and reconciliation initiatives in the region. Engage with non-government actors (think tanks, civil society organizations)
 - Activities: Series of workshops with the UN DPA on Regional Dialogue on Political-Security Cooperation: ASEAN-UN Collaboration in Support of the ASEAN Institute for Peace and Reconciliation
- **ASEAN Regional Mine Action Centre (ARMAC)**

Indo-Pacific Treaty?

- **Recent Proposal by Indonesia (EAS context) to**
 - **Expand the coverage and extrapolating the success of TAC beyond the region**
 - **Transform Bali Principles (EAS friendly and mutually beneficial relations) into a legally binding treaty**
 - **First to be open to EAS countries for signature, then within and beyond Indo-Pacific region.**

ARF PD

- **2001 ARF Concept and Principles of PD**
- **2011 ARF Work Plan on Preventive Diplomacy**
- **2013 Concept Paper on Moving Forward the PD**
 - 1) Learning and sharing**
 - 2) Exploring and Developing PD Tools**
 - 3) Exploring PD Initiatives (upon invitation)**
- **2014 ARF Roundtable on Training Resources for PD, NZ**
- **2014 ARF Seminar on PD and Mediation Training, Brunei**
- **2014 ARF PD Training Course, China**

Conclusion

- ASEAN PD exists since its inception based on legal instruments/treaties
- ARF is a forum for dialogue, consultation, confidence building, sharing of experiences
- ASEAN Way has served well to maintain peace and stability in SEA
- Existing treaties/legal instruments are still relevant aimed at promoting trust and confidence and mutual reassurances
- As ASEAN becomes increasingly integrated, and the region's geopolitics is transformed through shift in balance of power, rigid adherence to old "ASEAN Way" of non-interference may not be adequate for the maintenance of regional peace and stability.
- Nevertheless, "ASEAN Way" of flexibility, informal dialogue and consultation, consensus will continue to be important and relevant for PD in ASEAN.
- New ways on PD, should be taken step by step, while ASEAN is becoming more engaged and open in managing its internal affairs as well as allowing other players to engage in the realm of preventive diplomacy.



Thank you