

**An Agenda for Preventive Diplomacy:
Implications for ASEAN and Regional Conflict Management
in Southeast Asia**

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Abstract

The post Cold War international system faces a number of key challenges. Among these, the increasingly complex nature of global conflicts and the inability of the United Nations to cope adequately with such cases has called for the identification of more effective methodologies of international conflict management. In this light, not only has it been suggested that regional organisations should play a more active role in assisting the world organisation in the responsibility for maintaining international peace and security, but it has also been recommended that the activities associated with the practice of preventive diplomacy can provide a more useful approach to this end. Preventive diplomacy can be classified into two main categories. On the one hand there is long-term preventive diplomacy which aims at the creation and maintenance of co-operative relationships between entities so that the functional value of conflict can be eradicated over time. On the other hand there is short-term preventive diplomacy which is concerned with thwarting the emergence or escalation of violent conflict at the inter-state and at the intra-state level.

Preventive diplomacy aimed at thwarting violence involves a select group of functions and these include the activities of fact-finding and early warning, the use of diplomatic 'good offices', the application of confidence-building measures, and the act of preventive deployment. These activities require adequate resources, preparation and political support. However it cannot be assumed that certain regional organisations, in the call to be more supportive to the United Nations, will be readily able to implement such measures of preventive diplomacy. The Association of South East Asian Nations (ASEAN) is one particular regional organisation which has been finding it difficult to fully develop such a preventive diplomacy capability. ASEAN is a regional organisation preoccupied with fortifying intra-mural political unity, and with proving itself as a consequential grouping of states within the wider Asia-Pacific region. It is also a regional organisation that continues to be informed by a deeply embedded style of regional conflict management known as the 'ASEAN way'. These inter-related factors have made considering a preventive diplomacy agenda less of a priority for ASEAN. Needless to say, it is essential for the ASEAN states to acknowledge the importance of more substantial conflict prevention measures for the region.

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Table of Contents

Chapter One	
Introduction to the Thesis	1
Chapter Two	
The Concept of Preventive Diplomacy: Constructing a Working Definition	13
I. Origins: From Collective Security to Dag Hammarskjold	17
II. The Development of Preventive Diplomacy and the Office of the Secretary-General	29
III. Constructing a Working Definition of Preventive Diplomacy	47
Chapter Three	
Preventive Diplomacy: Some Aspects of Thwarting the Emergence and Escalation of Violence	59
I. Early Warning and Conflict Awareness	63
II. The Role of Diplomatic Good Offices	77
III. Confidence-Building Measures	80
IV. Preventive Deployment	84
Chapter Four	
ASEAN Conflict Management and Whither Preventive Diplomacy? The Past As Prologue	92
I. Diplomatic Community Building and Conflict Avoidance 1967-78	96
II. The Conflict in Indochina and the Manifestation of the 'ASEAN Way'	109
Chapter Five	
ASEAN and Preventive Diplomacy: the Contemporary Agenda	142
I. ASEAN and the Security of Southeast Asia: Setting the Scene	145
II. Examining ASEAN's Current Approach to Conflict Management	164
III. The ARF and Preventive Diplomacy: An Uncertain Beginning	183
Chapter Six	
Appraising Preventive Diplomacy the ASEAN Way	203
I. Preventive Diplomacy the 'ASEAN way', The Merits of the Contemporary System	207
II. Considering the Boundaries of the ASEAN Approach to Conflict Management	214
III. Developing Preventive Diplomacy for ASEAN: The Way Forward	234
Chapter Seven	
Conclusion to the Thesis	244

Continued....

Appendix A

The Treaty of Amity and Cooperation in South East Asia i

Appendix B

ASEAN Regional Forum Chairman's Statements vii

Appendix C

The ARF: A Concept Paper xxx1

Appendix D

Excerpts from ASEAN Ministerial Meeting Joint Communiqués xxxiv

Appendix E

Statements From Workshops on Managing Potential Conflict in the South China Sea lxvii

Appendix F

List of Those Interviewed lxv

Appendix G

ARF Meetings and Activities lxvi

CHAPTER ONE

An Introduction to the Thesis

The Research Topic and Objective of the Thesis

In recent years, and in particular since the end of the Cold war, a vigorous discourse among international relations practitioners and observers regarding the importance of promoting more advanced methodologies of international conflict management has been evident. Among the various suggestions emphasising the need to research into more effective ways of international conflict prevention, preventive diplomacy has increasingly been mentioned as a worthwhile strategy. However, before we are able to consider the utility of preventive diplomacy in this endeavour, we must first acknowledge how the concept can be studied within two dimensions. At the long-term level, preventive diplomacy concerns diplomatic measures aimed at creating and sustaining working relationships between entities so that functional co-operation can flourish and have the effect of diminishing the sharpness of confrontational positions. At the short-term level, the subject of preventive diplomacy is violent conflict and given this, the concept alludes to specific operations taken by states to thwart the emergence or escalation of violent conflict both at the inter-state and intra-state level. Almost certainly, the highly visible and documented cases of ineffective international conflict prevention operations within the past few years such as Rwanda, Somalia, Kosovo, and East Timor, have given greater impetus to studying the practical utility of this latter version of preventive diplomacy. The fact that such cases have involved humanitarian crises suggests that it is increasingly necessary to continue research into the machinery for learning about potential conflict situations, and the specific measures to prevent the occurrence of violent conflict in the international system.

At the same time, the post Cold War international environment has encouraged a parallel increase in discourse concerning the role of the United Nations in the task of maintenance of international peace and security. The suggestion here is that the world organisation should be able to co-operate with other intergovernmental organisations in the many activities associated with international conflict prevention. Within this school of thought, it has often been suggested that regional intergovernmental organisations should seek more effective ways of security co-operation and conflict management so as to lighten the burden of the world organisation in the activities of peace-keeping, peace-building, and of course, preventive diplomacy. The notion suggested here is that for the United Nations to be able to perform the task of preserving international peace more effectively, it must then develop a framework of co-operation with a number of regional organisations that have experience in similar operations of the kind. Already it has been a trend for several regional organisations to expand their regional security agendas to include more substantial conflict prevention programmes, particularly so within the past few years. Organisations such as the Organisation for Security and Co-operation Europe (OSCE), and the Organisation for African Unity (OAU) for example, have taken progressive initiatives to complement the United Nations by developing more elaborate mechanisms for addressing regional conflict situations.¹ Of course as we acknowledge how such organisations have achieved mixed results in conflict prevention within their own domains, and how other regional organisations are also attempting to reform their existing conflict management practices, the point which remains is that research into the relationship between preventive diplomacy and regional organisations is continuously warranted. The questions that come to mind here include, what does it take for a regional organisation to develop effective preventive diplomacy capabilities, and of course, what are some of the key lessons from previous cases of successful and unsuccessful preventive diplomacy efforts?

It is the intent of this thesis therefore, to seek a greater understanding on the relationship between the operations of preventive diplomacy aimed at

¹ This point will be discussed in Chapter Three.

thwarting violence, and a particular regional intergovernmental organisation with an expanding conflict and security management role, the Association of South East Asian Nations or ASEAN. The premises for studying ASEAN in this context are manifold. Firstly, ASEAN has been involved with regional conflict management ever since it was formed in 1967. Since then, ASEAN has established itself as an active diplomatic community that has been able to influence trends of security co-operation in Southeast Asia and to a certain extent, in the wider Asia-Pacific region. Secondly while ASEAN has attempted to expand its programme for regional security co-operation within the past few years, it has also made reference to developing preventive diplomacy as one of its main priorities. Yet it is relatively uncertain how ASEAN has taken to the concept, let alone the practice of preventive diplomacy. Thirdly and perhaps more importantly is the fact that Southeast Asia has recently been exposed to a number of violent conflicts that have involved substantial human suffering, namely, the continuing conflict in Myanmar and the recent turmoil in East Timor. We must also not forget how the Asia-Pacific region in general, continues to bear witness to a number of potentially destabilising situations (such as the tension on the Korean peninsula, and the continued dispute over the territories in the South China Sea). The key point here is that there is much work to be done on developing an adequate conflict management mechanism in the region. Timing is crucial for ASEAN in this respect. If the organisation is having problems with developing more substantial programmes of regional conflict prevention, then it must find an alternative course of action that will be able to prevent further cases of humanitarian crises.

In consideration of the above points, it will be a priority of this thesis to provide a detailed analysis on the following themes - the machinery of preventive diplomacy in thwarting violent conflict, the philosophy of the ASEAN approach to conflict prevention, and the compatibility of the ASEAN approach of regional conflict management to the specific objectives and activities of preventive diplomacy. It is important to observe how ASEAN has long been associated with an 'ASEAN way' to conflict management. But in so doing, we must also distinguish carefully between the 'Asian way' to inter-state relations, and the 'ASEAN way' to inter-state relations. The tendency has been for numerous

analyses to regard these two notions as one and the same. Although the two concepts exhibit some similar characteristics, they are nonetheless based on different conceptual origins. The 'Asian way' has been said to originate from a region-wide strategic culture, while the 'ASEAN way' specifically derives from the past experiences of the regional organisation in conflict management, in particular during the formative years of the organisation and during the Indochina conflict. It has been referred to as a specific approach to regional confidence-building that has since manifested itself as the primary creed of ASEAN. Whether this 'ASEAN way' is conducive to reform or modification is obviously a central issue. Importantly, there are indications that ASEAN is beginning to prescribe this formula of regional confidence-building to the greater Asia-Pacific, representing the first time ever that such a multilateral security arrangement of this scale has been attempted in a region of geo-political diversity and major power involvement. Correspondingly another key objective of this thesis will also be to evaluate how the ASEAN system has been able contribute to regional security in Southeast Asia and indeed, in the wider Asia-Pacific region.

The Theoretical Assumptions and the Methodology of the Thesis

There are a number of interrelated theoretical assumptions stipulated in this thesis. The first is that as preventive diplomacy is a substantially specific task, it cannot be taken for granted that an intergovernmental regional organisation will possess the certain capabilities that will allow it to effectively operate a preventive diplomacy agenda. The second theoretical assumption is that if ASEAN is ineffective in developing preventive diplomacy measures, it is more due to the absence of common perceptions and special political interests and therefore insufficient political will rather than the inadequacy of available conflict prevention mechanisms and strategies. (To this extent, it can even be assumed that the ASEAN states are more likely to partake in concrete preventive diplomacy measures when there are clear interests at stake or when there is

overwhelming pressure from the international community to do so). The third theoretical assumption is that if ASEAN has not been able to embrace the concept and thus practice of preventive diplomacy, it is also because such an undertaking has been perceived to represent a fundamental reform to the organisation's contemporary conflict management practices. Given this, we must then accept that ASEAN's current approach to regional conflict management, or the current 'ASEAN way', remains a priority for the member states. If this is the case, we must also consider whether the current 'ASEAN way' has been perceived to be the most viable arrangement for political co-operation between the ASEAN members and with ASEAN's extended security dialogue partners from the wider Asia-Pacific region. Given the varying political and security interests within the grouping and the fundamental differences among the states of the Asia-Pacific region, it may be possible to suggest that this arrangement is the only workable process of intergovernmental security co-operation available to ASEAN members for the time being.

To prove such suppositions, the methodology of investigation will involve the following procedures. We begin by showing how preventive diplomacy is a specific function requiring adequate resources and political will. This will first involve analysing the meaning of the preventive diplomacy and then stipulating a working definition for this thesis. Having established such a framework of analysis, we then move on to a brief sampling of the activities associated with our stipulated definition of preventive diplomacy (early warning, the use of good offices, confidence building, and the activity of preventive deployment). In so doing, it is hoped that key insights can be gained on how the effectiveness of preventive diplomacy is dependent on timely action to thwart violent conflict. We then move on to explain how ASEAN is an intergovernmental regional organisation that may not be suitable for administering this particular dimension of preventive diplomacy. To do this, we first analyse ASEAN's history of regional conflict management and importantly, the origins of the 'ASEAN way'. It is hoped that this will reveal how the essence of 'ASEAN way', a key feature of the organisation's institutional philosophy, varies significantly from the objectives of our stipulated definition of preventive diplomacy. We then move on to analyse ASEAN's contemporary conflict

management machinery for the region to see whether this process significantly differs from the 'ASEAN way' of the past. At this juncture we should also be able to assess whether the organisation has truly been able to embrace such a proactive approach as preventive diplomacy. Following this we turn our attention to appraising ASEAN's recent efforts in regional conflict management. It is intended that by identifying the achievements and limitations of ASEAN's efforts, we can obtain a clearer picture as to why the current 'ASEAN way' remains relevant for the organisation, and the extent to which preventive diplomacy is considered as a priority for ASEAN and its members.

The research for this thesis has been conducted by a literary review of numerous publications on preventive diplomacy and ASEAN, and several interviews with leading ASEAN officials. A considerable amount of analysis for this thesis has been made possible by a surge within the past few years of analytical literature on the security environment of Southeast Asia and the Asia-Pacific region. These secondary sources are largely available within the United Kingdom, including those originating from the Asia-Pacific region itself. Mostly in the form of periodic journals these sources, to name a few, include the *Journal of East Asia Affairs*, *The Pacific Review*, and *Contemporary Southeast Asia*. Moreover, the well known international relations journals such as the *Journal of Conflict Resolution*, *International Affairs*, *International Security*, *Survival*, and SIPRI publications are increasingly including analyses on Southeast Asian security and indeed the changing nature of security in the Asia-Pacific region. A substantial literature has also been obtained on the experiences of regional organisations and conflict prevention, although more recent analysis have been harder to come by. The literature on the concept and practice of preventive diplomacy has become increasingly available in the past few years. Analyses such as Michael Lund's *Preventing Violent Conflicts: A Strategy of Preventive Diplomacy*, have been useful in discussing some emerging ideas on the essence of proactive strategies for international conflict management. At the same time there have also been increasing publications on the experiences of recent preventive diplomacy endeavours, especially those surrounding the operations of the United Nations. These include specific analyses on the activities of early warning, military confidence building, and the deployment of preventive forces

as observation missions. The key primary sources for this thesis are in the form of official ASEAN documents and interviews with key ASEAN officials. The majority of the ASEAN documents follow from ASEAN Ministerial Meetings, ARF-related meetings and workshops, and the ASEAN Post Ministerial Conferences (PMC's).

The Organisation of the Thesis

There are seven chapters to this thesis. The next chapter (Chapter Two) will introduce and analyse the concept of preventive diplomacy. Our discussions here will reveal that the ethos of preventive diplomacy (the need to monitor, predict and prevent potentially violent confrontations) has always been an integral aspect of international relations. Analysis will consider how the concept initially came into discussion through the operations of peace-keeping and has since been further developed by the initiatives and experiences of the Secretaries-General of United Nations. However, given that there currently exists a plethora of suggestions on how preventive diplomacy should be approached and implemented, the chapter will then emphasise the need to recognise, for the purpose of analytical clarity, the difference between short-term and long-term preventive diplomacy. While short term preventive diplomacy (suggested as the main emphasis of our analysis) is primarily concerned with crisis prevention, long-term preventive diplomacy attempts to develop co-operative relationships between entities so that violent conflict forgoes its functional value. With this in mind, we then construct a working definition of short-term preventive diplomacy for our analysis.

In Chapter Three our analysis then turns to a brief sampling of the practices associated with preventive diplomacy (based on our stipulated definition). The chapter begins with a discussion on the operations of early warning before moving on to discuss the use of diplomatic good offices as part of a preventive diplomacy regime. Here it is revealed how 'good offices' refers to

the activities of mediation, negotiation or conciliation in the advent of a looming conflict situation, or when initial violence has already broken out. We then move to a review of the importance of confidence-building measures which involve a range of activities which aim to promote transparency and convey peaceful intentions among the participating parties. The last section of this chapter then directs our attention to the function of preventive deployment or the use of a limited force of military, police and civilian personnel for the purposes of deterring the outbreak of conflict between the disputing parties. The fundamental observation made in this chapter is that as far as the activities of preventive diplomacy are concerned, timing or the ability for them to be put into place promptly, is a main priority. For this purpose, such activities of preventive diplomacy have to be prepared or organised in advance. To be prepared and well organised, there must exist a certain degree of political will. In the case of an intergovernmental organisation with a conflict management mandate, this entails the harnessing of adequate political support from the member states to develop such capabilities. The invariable point then is that it cannot be assumed that all intergovernmental organisations will readily be able to develop and sustain enough intra-mural political backing for these endeavours.

It will be the focus of Chapter Four to examine critically the past experiences of ASEAN in regional conflict management. The chapter is divided into two sections, with the first covering ASEAN's regional conflict management agenda during the formative years. The second section will look into the Indochina conflict and how this has influenced the consolidation of the 'ASEAN way' to regional diplomacy. The key task in this chapter is to consider how ASEAN has not had a relatively strong background in regional conflict prevention. By re-evaluating the essence of the 'ASEAN way', this chapter will also show how the 'ASEAN way' is an approach to regional conflict management that varies significantly from our previously discussed notion of preventive diplomacy. The key point is that this practice of regional confidence-building has become deeply embedded within ASEAN as a foundation for the organisation's philosophy of regional security and political co-operation. Given this, it cannot be assumed that the 'ASEAN way' will be able to undergo major reform.

The focus of Chapter Five is to examine ASEAN's contemporary framework of regional conflict management. The main areas of investigation will be to bring out the main features of ASEAN's procedures of regional conflict management, to consider how much this process has developed from the 'ASEAN way' of conflict management previously discussed in Chapter Four, and to assess the views of leading ASEAN policy makers on their understanding of preventive diplomacy. The chapter is divided into three sections. The first section will discuss the security environment of Southeast Asia in the aftermath of the Cold War. This will include an overview of some of the lingering disputes in the region which have the potential to develop into violent conflict. The chapter then moves on to an analysis of how ASEAN has responded to this security environment by implementing the policy of constructive engagement and by establishing the ASEAN Regional Forum (ARF), an extended version of its own framework of regional diplomatic interaction. This section will also consider whether this relatively new institution contains any conflict prevention measures that can be regarded as more prolific than those included in the normative ASEAN approach. The third and last section will shed light on the notion of preventive diplomacy within the perimeters of the ARF. It will be the aim of this chapter is to illustrate how ASEAN has been finding it difficult to develop a preventive diplomacy capability that caters to violent conflict at the intra-state and inter-state level.

It is the purpose of Chapter Six to appraise ASEAN's current efforts in regional conflict management. The first section will briefly consider whether ASEAN's current methodology of conflict management has yielded any results. This will include a discussion on the ASEAN policy of 'enhanced interaction' and the type of conflict prevention capability that the ARF purports to provide. The second section then moves on to demonstrate how ASEAN has been unable to come to terms with a preventive diplomacy agenda. The third and final section will attempt to identify certain aspects associated with ASEAN's experiences in regional conflict management that can be used to construct a preventive

diplomacy machinery in the region. It will be a primary concern of this chapter to show how preventive diplomacy has not been given complete support by the ASEAN members, and to ascertain why the current 'ASEAN way' remains important for the organisation's strategic and security objectives for Southeast Asia and the wider Asia-Pacific region. This chapter will also attempt to illustrate the argument that ASEAN currently works as a regional organisation seeking at least two essential objectives: the need to fortify group solidarity in light of recent membership expansion and the need to maintain its relevance in the evolving Asia-Pacific regional security order by operating a security dialogue system that enjoys progressive participation from the region's major powers. Perhaps taking on a new security management function, particularly preventive diplomacy, represents a departure from policy that is essentially beyond the reach of ASEAN institutional guidance.

Whither ASEAN and Regional Conflict Management?

Security and conflict management in Southeast Asia is a topic that continues to interest a number of international relations scholars and research institutions world-wide. This is due to a number of reasons, perhaps the most important being that regional order creation in Southeast Asia is an exercise which must include considerations for the greater Asia-Pacific region. This is an area of academic enquiry which must look into a plethora of themes such as the context of political co-operation within ASEAN, the co-existence of at least three major powers and one superpower in the region, the lack of harmony of security interests within the region, the lack of an homogenous or dominant regional political mindset, a trend of weapons procurement that relatively lacks transparency, and the abundant number of protracted political and ethnic conflict situations region-wide. To a large degree Southeast Asia, as part of the wider Asia-Pacific region, is looking forward to an arrangement of regional security co-

operation without any formal structures. But how long can this framework for regional order actually last?

Until recently, analytical studies on international relations in Southeast Asia have more or less originated from within the region itself or from a collection of specialised institutions or agencies elsewhere. These studies have tended to focus on a handful of specific issues such as the Vietnam War, the Cambodian Peace Process, or the security concerns of the major powers in the region (particularly China and Japan). Evaluations of conflict management practices in Southeast Asia, in particular on ASEAN, have been the exception rather than the norm. Although since the end of the Cold War, ASEAN has unequivocally taken on a more active role in attempting to build a system of inter-state security co-operation, there have been relatively few attempts at analysing in full, the foundations of ASEAN's formula for regional conflict management. Despite the fact that there has been an increasing literature on the international politics of the Asia-Pacific (especially in a post Cold War setting) and although within the past few years ASEAN has already declared a preventive diplomacy agenda, there have been few attempts to investigate specifically the true nature and value of this process of regional conflict prevention.

The fundamental originality of this research stems from its analysis of the essence of the current 'ASEAN way' to conflict management, and its relationship with the idea of preventive diplomacy aimed at thwarting violent conflict. It is a study which will take into consideration among other things, the evolving nature of the concept and practice of preventive diplomacy, the role of ASEAN as a source of regional stability in Southeast Asia, certain aspects of regional history that have come to affect the prevailing diplomatic traditions within ASEAN, and the basic nature of some impending regional conflict situations that warrant attention from the states in the region. As previously mentioned, it is also a primary aim of this research to re-evaluate the conceptual origins and practical application of the 'ASEAN way', and also to consider the reasons why this approach has been introduced to the member states of the wider Asia-Pacific region. Another original character of this thesis will be the ability to provide

insights from key ASEAN officials who are currently responsible for the organisation's regional conflict management programmes

It is felt that this study into the international relations of Southeast Asia and the importance of preventive diplomacy is important for a number of reasons. Firstly, this study of the ASEAN conflict management framework will coincide with the first time ever, a multilateral security dialogue has been attempted in the Asia-Pacific region. It is hoped that by studying ASEAN's role, we can better anticipate developing international relations in Southeast Asia, and indeed the Asia-Pacific as a whole. Secondly, it is without question that ASEAN has become a prominent actor in regional order creation within the past few years. Analysing ASEAN's regional conflict management formula will therefore give us a clearer explanation of the organisation's intentions and methodologies for managing regional peace and security. Thirdly, it is hoped that research into the concept of preventive diplomacy will allow us to make some important observations on how such an activity can become more effective as part of the United Nation's global security operations. It is also hoped that this study of ASEAN will allow us to gain some valuable insights on the practical role of regional organisations in the maintenance of international peace and stability as proclaimed in the United Nations Charter.

CHAPTER TWO

The Concept of Preventive Diplomacy: Constructing a Working Definition

Introduction

In recent years, the term 'preventive diplomacy' has become modish parlance among policy makers involved with international conflict and security management. However as observers continue to challenge each other on the merits and drawbacks of its practice, there seems to be little agreement on the meaning, scope and purpose of preventive diplomacy. A survey of the current literature on preventive diplomacy reveals a tendency to associate the term with a number of existing international conflict management practices, not to mention the inclination to define the concept from a rather broad perspective. For instance it has become typical to link preventive diplomacy with the activities of preventive diplomatic action rather than preventive military action, preventive engagement, preventive deployment, and crisis prevention. Preventive diplomacy has even been labelled as inefficient acts of intervention, this in light of several recent episodes of costly peace-keeping operations undertaken by the United Nations. The argument suggested by many observers here is that if preventive diplomacy measures undertaken by the United Nations had been successful, they would not have led to larger and costlier peace-keeping operations. More often than not, preventive diplomacy has been interpreted as any action that has the potential to prevent or thwart violence deriving from a political dispute and furthermore, any action that can quell such disputes before they emerge. Generic interpretations such as this invite an extensive range of possibilities for preventive diplomacy, involving policies that could range from mutual on-sight

arms inspections, to the promotion of good governance in order to improve political harmony between regional entities.¹

Perhaps it is not just a sense of confusion over the definition of preventive diplomacy but also a case of placing unreasonably high expectations on the concept. In the contemporary international system where cases of violent conflict are highly visible through rapid advancements in telecommunications technology, there is a sense of urgency to find alternative and essentially more productive methods of managing violent conflicts that bear in mind cost-effectiveness in financial resources, and more importantly, in human lives. Within this sentiment lies an unsettled premonition over preventive diplomacy, a sense of disorder over its conceptual and practical essence. What has resulted then has been an expression of uncertainty (if not caution) from many observers, following their attempts to institutionalise preventive diplomacy or develop a universal paradigm of preventive diplomacy equipped with standard operating procedures. In their search for a more pro-active approach to conflict management, preventive diplomacy seems to be a popular campaign slogan, but as of yet, no definitive or widely agreed upon framework has been developed. Consequently, arguments stressing a formal structure for preventive diplomacy (in the form of institution building) and counter-arguments favouring a flexible process towards pluralistic security community building have been the norm rather than the exception. If anything, studying preventive diplomacy, let alone putting it into practice, must first allow for some clarification, and perhaps consider the value of a designated definition.

The purpose of this chapter is to provide a clearer conception of preventive diplomacy so that a stipulated definition for this analysis can be developed. A study into the origins of the concept will reveal that the idea of preventive diplomacy is not new - the need to monitor, predict, and prevent potentially violent conflicts has always been an integral aspect of international relations. However it is important to note that the practice of preventive diplomacy first evolved from the acknowledgement, by policy makers involved

¹ From this position, it can even be argued that the Marshall Plan was an act of preventive diplomacy.

with the creation of international order, of the use of an international force to deter the spread of violent confrontation stemming from political disputes. Given this, it is possible to argue that preventive diplomacy in its earliest form was the act of peace-keeping (since it specifically involved the deployment of a multilateral military unit to act as buffer between conflicting parties). Since then however, the concept of preventive diplomacy has been developed into wider connotations while the concept and practice of peace-keeping itself has developed into a specialised activity. The important observation to make is that because the concept and practice of preventive diplomacy has been dominated by the initiatives and experiences of the United Nations (particularly because of its roots in the activity of peace-keeping), it has been often associated with that organisation's functional capabilities. After all, the term was first advocated by Dag Hammarskjöld and was then developed by consecutive Secretaries-General to involve considerations of quiet diplomacy, humanitarian intervention and the importance of early-warning capabilities. Another crucial development for preventive diplomacy over the years was the expansion of its definition - from just limiting the escalation of violent disputes, to the prevention of the immediate causes (emergence) of violent confrontations.² This was manifested in the document *An Agenda for Peace* by the former Secretary-General Dr. Boutros-Boutros Ghali, where a definition of preventive diplomacy is proposed.

However the important observation to make is that because preventive diplomacy has been closely linked with the United Nations and since some of the more visible cases of unsuccessful conflict prevention operations in recent times have been linked to the world organisation, a surge of alternative definitions of preventive diplomacy has subsequently been witnessed. This is not to say that there have been direct challenges to the United Nations-based approach as there is no specific definition or paradigm of preventive diplomacy proclaimed by the world organisation. The point is that there are now many definitions of preventive diplomacy that vary significantly in scope and purpose and as such, the term evokes a general sense of confusion. For instance there are some definitions which advocate the use of diplomatic, political, economic and

² This also represented a separation between preventive diplomacy and peace-keeping.

humanitarian action; others which argue for quiet and non-coercive action; and yet others which imply the participation of governments, multilateral organisations and international agencies. Although this may add difficulty in analysing preventive diplomacy, it is argued that a clearer understanding of the term can be obtained by first acknowledging the important difference between 'long-term' and 'short-term' preventive diplomacy. In other words, while the numerous definitions of preventive diplomacy make claims for an assortment of measures ranging from economic sanctions to goodwill missions, they rarely make a distinction between policies in the dimensions of conflict management or conflict resolution. With this in mind, this chapter then turns to the construction of a stipulated definition of preventive diplomacy.

The definition of prevention diplomacy utilised in this analysis is based on the conflict management or short-term level, and concerns itself with preventing the emergence and escalation of violent confrontation between entities rather than long-term preventive diplomacy (which involves the attempt to remove the sources of conflict between entities through the creation of long-standing co-operative functional relationships and confidence). This definition of preventive diplomacy is context bound and takes into consideration some contemporary measures undertaken by the world organisation and states (or groupings of states) to prevent the emergence and escalation of violence at the inter-state and intra-state level. While it is not premised on a fixed structure of operating procedures, it is a working definition which will survey the utility of such techniques as risk reduction centres, early-warning systems, good offices, confidence-building measures and the fundamental requirements of preventive action involving a deployment of forces. It is hoped that by using this stipulated definition, a clearer understanding of the relationship between regional intergovernmental organisations, in particular ASEAN, and the practice of preventive diplomacy, can be ultimately achieved

I. Origins: From Collective Security to Dag Hammarskjöld

Before Dag Hammarskjöld made his first proposal for preventive diplomacy, the idea of preventing the escalation of armed confrontations and the utility of an international force had gained considerable attention from policy makers involved with creating an international order based on a system of collective security. These ideas or former notions were crucial to the subsequent proposal of the first ever definition of preventive diplomacy given by the United Nations Secretary-General in 1960.

A. Former Notions of Preventive Diplomacy

Although there was an awareness of the basic ideas relating to preventive diplomacy (this is in reference to the first definition of preventive diplomacy given by Dag Hammarskjöld) during the formative years of the United Nations, it has been suggested that such notions had been considered even before the formation of the League of Nations.³ In the years immediately preceding the First World War, ideas of an international police to enforce peace were expressed by a number of statesmen, military officials and scholars. Some examples included the suggestions by Admiral T.W. Kinkaid and Rear Admiral C.F. Goodrich (with support from the US Congress) for the formation and maintenance of an international navy, and the proposal by Andrew Carnegie for an international police force (drawn from many countries) to act as an international sheriff in keeping the peace. Other well-known proposals included those by Professor C. Van Valenhoven and Rafael Erich, which brought to attention the notion of an 'impartial international police' withdrawn from the influence of national interests, and the idea that such a force should operate exclusively upon appeal

³ Gabriella Rosner (1965) has associated several cases in modern history where considerations of a small international force to buttress the peace actually came into practice such as: the contingent of Dutch forces who functioned as international police during disagreement in the Low Countries between Britain, Austria and the 'States

from a state needing protection while functioning under the name of the 'community of states'.⁴ During the First World War, proposals for an international police organisation were also made by keen observers of international relations, including Lord Bryce, the British League of Nations Society and the American League to Enforce Peace (supported by President Wilson, and William Howard Taft). Although such recommendations on collective action for peace enforcement did not materialise into operating units at the time, a number of observers have argued that they still played a role in fostering the recognition of an international peacekeeping force for several policy makers later involved in the establishment of the League of Nations.⁵

Subsequently, among the many drafts of the Covenant of the League of Nations, the proposals of those such as Philmore, Smuts, and Cecil contained provisions for the use of international military forces. Although this particular notion did not receive enough support in the end and there were no attempts to create a permanent force under the League itself, there was however one case where the utilisation of an international force materialised. In 1934 the League Council established an international force which functioned to provide order before, during and after the plebiscite in the Saar Territory. The Saar force was activated primarily to police the territory effectively during the plebiscite, a situation where diverse and conflicting political groups manoeuvring for position were already engaged in tension-ridden boycotts accompanied by sporadic terrorist activities. The early responsibilities of this force were to articulate a 'presence' to the local population and to be ready to appear immediately in situations where disturbances threatened. During its tenure of service, the Saar force was called in to play a deterrent role against violence on five successful occasions (where no military action had to be taken). Consequently the experiences of the force raised the prestige of the League, not only because it provided a deterrent against violence during a period of high tension between the disputing parties, but also because it played a role in limiting the involvement of

General' in 1715, and the 1800 strong allied force sent to Peking to assist foreign delegations during the Boxer Rebellion in 1900.

⁴ Rosner, G., 'The International Military Force Idea' in *From Collective Security to Preventive Diplomacy*, Laurus, J. (ed.), John Wiley, New York, 1965.

⁵ For instance see, Hamilton K., and R. Langhorn, *The Practice of Diplomacy*,

greater powers in the conflict.⁶ In this case the Saar force was considered a success, and an appropriate alternative to the initial suggestion of intervention by French troops, which would have in effect, led to open conflict between France and Germany (because of this, its demonstration in effect paved the way for the creation and operation of a similar peacekeeping force during the early days of the United Nations).⁷

It is worth mentioning that another key feature of conflict prevention that the League of Nations experimented with was the Council's ability to invoke pre-emptive action and establish commissions of inquiry. Under Article 11 of the Covenant, both the Council and the Assembly were qualified to intervene or mediate in any situation that affected peaceful relations between the member states. For this the Council adopted a series of measures which came to be known as the Council's Procedures for Pre-emptive Action. This comprised of:

“. . .immediate intervention by the President of the Council who issued a warning to the disputants and called for a cease-fire; immediate convening of the Council, to which representatives of the disputants were summoned, for the purpose of ending hostilities; the appointment of a commission of officers to supervise, on the spot, the cessation of hostilities, secure the maintenance of the status quo, or execute some other provisional arrangement, pending a settlement of the dispute; and the establishment of a commission to examine the facts and make a report with recommendations for a solution for a dispute.”⁸

Two specific cases where these procedures were used effectively by the Council were first, the Aaland Islands Case where the Council (on British initiative) took action before armed hostilities had begun and second, the Greek-Bulgarian situation where the Secretary-General of the League and the President of the Council intervened within hours after hostilities broke out. This intervention brought forth an emergency meeting of the League Council,

Routledge, London, 1995.

⁶ Ibid., p.325.

⁷ Ibid., p.327. This came to be known as the United Nations Emergency Force or UNEF.

⁸ This was cited in Ramcharan, B.G, *The International law and Practice of Early Warning and Preventive Diplomacy*, 1991.

instructions to Bulgarian troops not to resist Greek advances in the midst of current misunderstandings, and finally a direct communiqué to both disputing governments reminding them of their solemn Covenant obligations 'not to resort to war, to stop all military movements and to withdraw their troops behind their respective frontiers'.⁹ It is important to add that the use of these procedures for 'pre-emptive action' were usually accompanied by fact finding missions, otherwise known as the League's Commissions of Inquiry. The key features of these Commissions were: they had to be composed of qualified neutrals designated by the Council; they were required to suggest solutions as well as to investigate the facts, they were to have unrestricted movement in the territories of the disputants; and that the recommendations by such a Commission would be adopted by the Council with only slight modifications.¹⁰ It has been suggested that these Commissions were more frequently attempted as a means of allaying tensions, of procuring impartial and trustworthy information on the causes of controversy, and as a basis for settlement.¹¹ Accompanying this is the argument that both measures for averting conflict were fundamental precursors to the early-warning measures developed by the United Nations several years later.

Thus the notion of utilising an international force to prevent the escalation of conflict situations was eventually recognised and experimented with by the United Nations during the organisation's formative years. But the early days saw a number of key obstacles towards the actual creation of United Nations' conflict prevention and peace-keeping machinery. The first suggestion for peace-keeping came in the form of a proposal by the first Secretary-General Trygve Lie, for a small United Nations guard force of 1000 to 5000 men to be placed at the disposal of the General Assembly or the Security Council. It is essential to mention that this notion was not supported by the great powers at the time, as the implications of a permanent military force under United Nations command were an anathema to their own abilities to project or maintain spheres of influences. Not only might the existence of such force prejudice the interests of the major powers, but it would also be ineffective without major power

⁹ Ramcharan, B.G., *op cit.*, p.69.

¹⁰ In this case qualified neutrals usually meant officials who were deemed by Council members to have expertise on particular affairs.

participation, if not leadership. Not surprisingly the idea of a permanent force did not take form, though this did not deter completely the value of 'observation' and 'early-warning systems' from being gradually recognised as the basic components of preventive action.¹²

We must also take into consideration that although preventive diplomacy as a concept was not (and has yet to be) mentioned in the United Nations Charter, there are specific clauses which allow for and essentially delegate the responsibility for exercising preventive action to be a key function of the organisation. Most commonly referred to of these is Article 99 of the UN Charter which states that 'the Secretary-General may bring to the attention of the Security Council any matter which in his opinion, may threaten the maintenance of international peace and security'. The implications of Article 99 in reference to the Secretary-General's preventive role are that although he does not have any rights or responsibilities to take steps to enforce peace or security, he does have such rights to gather information that is relevant to the maintenance of international peace. In this way the Secretary-General is limited to a conflict prevention role since he may bring to the attention of the Security Council not only actual but also potential causes of conflict, and that he must constantly and independently monitor developments in all matters which have bearing on international peace and security.¹³ In essence, Article 99 provides the political basis for the Secretary-General's conflict prevention role, but there are also several equally important clauses within the Charter which hint at a similar mandate on part of the entire organisation itself. Behind the common acceptance that a functional role of the United Nations is the maintenance of international peace and security by the pacific settlement of disputes and the taking of enforcement actions,¹⁴ Article 1 of the Charter specifically mentions that the organisation shall "take effective collective measures for the prevention and

¹¹ Ramcharan, B.G, *op cit.*, p.70.

¹² By 1949 the United Nations Truce Supervision Organisation had deployed military observers to Kashmir and Palestine.

¹³ de Cuéllar, J.P., Extracts from speech made at Sorbonne 1985. This was cited in Boudrea ,T.E., *Sheathing the Sword*, Greenwood Press, New York, 1991.

¹⁴ Goodrich, L.M., 'From League of Nations to United Nations' in *From Collective Security to Preventive Diplomacy*, Laurus J. (ed.), 1965.

removal of threats to peace, and for the suppression of acts of aggression or other breaches of the peace”.

In spite of this and to reiterate, the United Nations’ initial approach to preventive action against conflict escalation did not meet with much success as the concept was undertaken, according to some, ‘half consciously’ at best.¹⁵ Rather, episodes of Super-Power jostling within the organisation, particularly in the Security Council, came to overshadow initiatives aimed at developing alternative techniques for conflict prevention and management. An example is the ‘Uniting for Peace’ Resolution (passed in 1950), an arrangement which initially seemed to set a precedent by allowing impending security affairs to be usurped by the General Assembly in the event of a stalemate in the Security Council. The Uniting for Peace resolution stipulated a procedure for the General Assembly to consider immediately, matters that were considered a threat to peace, breach of the peace, or act of aggression, if the Security Council, because of lack of unanimity of the permanent members, failed to exercise this primary responsibility. Although this resolution may have been recognised as an indication within the United Nations of a more pro-active conflict prevention role, its main purpose was an American effort to circumvent persistent Soviet vetoing in the Security Council. Under Article 24 of the United Nations Charter, the Security Council had precedence over the General Assembly on taking action for the maintenance of peace and security. However the United States had taken the position that the Security Council was not able to do this effectively as a result of the Soviet Union continuously (in the climate of Super-Power rivalry) exercising its right to veto any such resolutions. Through ignoring the fact that a veto vote was in essence, a legitimate right and course of action in the Security Council, it was evident that Washington was deliberately countering the Soviet position by disregarding United Nations practice and hence had contrived a mechanism to ensure that that its own agenda would be pushed forward on global security affairs. The United States therefore sought a means to bring such impending matters to the General Assembly when the Security Council was blocked from taking action by the Soviet veto.

¹⁵ Claude, Jr., I, *Swords into Ploughshares*, Random House, New York, 1964.

At first, it seemed that the Uniting for Peace resolution would be able to instigate a number of conflict prevention activities within the United Nations system. After all, the preliminary General Assembly debates that preceded this resolution had clearly mentioned the need for preventive action to limit the escalation of armed conflict. These included, in particular, US Secretary of State Dean Acheson's statement that emphasised the establishment of a security patrol and peace patrol to provide immediate and independent observation and reporting from any area in which international conflicts threatened (upon the invitation or with the consent of the state visited), and a plan whereby each government would designate a number of armed forces personnel to a United Nations unit for training and preparation so as to be continuously maintained in readiness for prompt service. By the time of the General Assembly debate on the Uniting for Peace Resolution, deliberations clearly acknowledged the importance of preventive activity, among these the role of observation and warning mechanisms. These included statements which asked whether the Security Council could have acted so decisively on the Korean peninsula had there not been a commission sent there to observe and gather information on the situation three years previously; and those which referred to Section B of the joint draft resolution dealing with the establishment of a more adequate system of observation and a peace observation committee.

In the event however, the passing of the Uniting for Peace Resolution did not actually lead to the immediate use of preventive activities, despite articulating the potential mechanisms set forth to do so. This is in particular reference to a Peace Observation Commission. In principle, the Peace Observation Commission was contrived to "observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security". But most of the time, such a mechanism was left neglected and ultimately proved useless.¹⁶ Until the coming of Dag Hammarskjöld as Secretary-General, the Commission was used only once in the Balkans where a sub-commission was appointed to

¹⁶ Ibid, p. 64.

send observers to Greece. The observation team did so and reported back to the sub-commission, which submitted no reports of its own. The Commission was then called upon by Thailand in 1954 to address the Indochina conflict yet no decision was taken, nor was it put to use in the crisis over the nationalisation of the Suez Canal Company in 1956 (although this can largely be attributed to the fact that Egypt never asked for a sub-commission to be sent to the territory and that it was, at the time, felt that diplomacy and conciliation were more favourable to the situation than warning and prevention). The lack of appreciation for the Commission was not however, an indication that the member states of the United Nations did not acknowledge a 'preventive element' in their subsequent deliberations on containing conflict situations. Difficulties in the actual practice of such measures, manifesting from intense Super-Power rivalry, seemed to shackle any real attempts for independent multilateral action by the international organisation in conflict management. It would take time however, and a visionary Secretary-General to propel 'preventive diplomacy' to the forefront of the organisations responsibilities.

B). Dag Hammarskjöld's Aspirations

When Dag Hammarskjöld came to the office of the Secretary-General in 1953, he did not immediately lay down the foundations of what was to be 'preventive diplomacy'. Instead it was through his experiences as Secretary-General that he formed the valuable insights that eventually led to the conceptualising of preventive diplomacy in the well known report entitled *Introduction to the Annual Report of the Secretary General on the Work of the Organisation, 16 June 1959 - 15 June 1960*. The experiences of the League of Nations and then later the United Nations had brought recognition of notions of an international and independent force, the need to analyse and prevent the escalation of conflict situations, and the utilities of observation and warning mechanisms for this task. Importantly, the initiatory experiences of Dag

Hammarškjöld as Secretary-General served only to confirm these ideas as integral to what would be his own notion of preventive diplomacy.

Upon taking office it appeared to many that Dag Hammarškjöld would remain a quiet non-controversial international civil servant.¹⁷ Within three years, and following a successful chapter in personal diplomacy which has come to be known as the Peking Formula, the Secretary-General was confronted with the task of acting on a number of conflict situations, the Suez Crisis and the situation in Hungary being the first two.¹⁸ Although by then the United Nations and indeed Hammarškjöld were familiar with the Uniting for Peace Resolution and the importance of observation mechanisms for early-warning, they were not made effective for either case, especially the Suez.¹⁹ Joel Laurus has argued that the failures of these early preventive mechanisms eventually helped to trigger, albeit through an expensive lesson, the realisation of international conflict prevention as an important field of activity for the world organisation.²⁰

Instead Hammarškjöld set forth a number of measures during the Suez crisis which marked the first use of what came to be referred to as preventive diplomacy.²¹ His early-warning to the Security Council aside, Dag Hammarškjöld's response to the Suez Crisis was the establishment of the United Nations Emergency Force (UNEF). UNEF evolved from what were Lester Pearson's proposals for a United Nations police force to induce the withdrawal of British, French and Israeli forces from Egyptian territory.²² However Hammarškjöld saw this original suggestion as politically unsuitable as it called for a combination of UN troops and the Anglo-French forces. For Pearson, this

¹⁷ Jordan, R.S (ed.), *Dag Hammarškjöld Revisited*, Carolina Academic Press, Durham, 1983, p.7.

¹⁸ The Peking Formula refers to the release of American military personnel who were captured by Chinese authorities after being shot down while on board a United Nations aircraft. In this incident Hammarškjöld successfully negotiated, through quiet diplomacy, their release within nine months.

¹⁹ Under the 'Uniting for Peace' resolution the UN had established the Truce Supervision Organisation (UNTSO) to monitor the Arab-Israeli dispute among others. However this mechanism was prevented from investigating the incidents that led to the Suez Crisis.

²⁰ Laurus, J.(ed.), *From Collective Security to Preventive Diplomacy*, John Wiley, New York, 1965.

²¹ Jordan, *op cit.*, p.8

was intended to legitimise the Anglo-French invasion (and therefore a way to get them off the hook for intervening), and to prevent a permanent split in the Western Alliance.²³ Hammarskjöld therefore opted to determine the presence, composition and positioning of such a force from consultations with all parties concerned until an accepted formula created UNEF.

UNEF's main purpose was, following an established cease-fire, to separate the combatants and assist in maintaining calm during and after the withdrawal of foreign troops from Egyptian soil (under the terms established in the resolution of 2 November 1956). Its immediate orders were therefore to enter Egyptian territory (with the consent of Cairo) and take up positions in buffer zones between the Egyptian and Anglo-French forces, and between Egyptian and Israeli forces. UNEF was eventually able to maintain order while performing administrative duties taken over from the occupying forces, before relinquishing them to Egyptian authorities. Following the withdrawal of Israeli troops, UNEF was given the task of further maintaining order and patrolling the demarcation line on the Gaza Strip. It has been argued that the effectiveness of the UNEF operation can be attributed to a number of factors, most notable of these being the efforts of Dag Hammarskjöld in personally overseeing the organisation and functioning of this force and, the fact that it was accepted by the major world powers as an operation that would not have any major implications on their respective strategic positions. This had a constructive effect on the development of the concept of preventive diplomacy. First, it more or less gave definition to preventive diplomacy as a co-operative and independent effort for the purpose of preventing the escalation of conflict situations involving armed hostilities. Second, it demonstrated that the United Nations had the organisational capacity to embark on conflict prevention operations. This was to be done by emergency General Assembly mechanisms to identify and bring to attention emerging conflict situations, and the provision of the tools for organising subsequent preventive action by the office of the Secretary-General and Security Council. Third, and inter-related to the previous point is that by being accepted as a

²² This refers to the Canadian Minister of External Relations closely associated with Hammarskjöld.

²³ Urquhart, B., *Hammarskjöld*, Harper & Row, 1984.

functional responsibility of the United Nations, preventive diplomacy was to have been seen as a viable alternative to other modes of conflict management, especially those which would have induced major power intervention. And fourth, that preventive diplomacy operations came to involve, for the time being, two key elements, namely observation or warning systems and more importantly, a ready unit for engaging in peace-keeping operations.

The UNEF formula was called upon again a number of times throughout Dag Hammarskjöld's tenure as Secretary-General, each achieving their own degrees of success.²⁴ The important point here is that Dag Hammarskjöld's persistence and deliberate approach to employing his preventive diplomacy measures had showed that major power rivalry need not be the cumulative effect of conflicting situations, especially those of the Third World. Besides being able to prevent the intervention of the major powers, these measures had so far showed that they could actually prevent armed hostilities from escalating. With this the Office of the Secretary-General grew in stature and came to be permanently associated with preventive diplomacy action, while such experiences in the Middle East had in a way, oiled the machinery for the establishment of subsequent observation and fact finding missions. The net effect of these experiences culminated in Dag Hammarskjöld's formal introduction of the concept of preventive diplomacy in the document *Introduction to the Annual Report of the Secretary General on the Work of the Organisation, 16 June 1959 - 15 June 1960*. Through this initiative, preventive diplomacy had not only become accepted as an important function of the United Nations, but it was also formulated on the following principles: that violent conflicts outside the Cold War confrontation zones were amenable to UN peace-keeping; that it was not coercive and did not look towards the collective security model; that consent of the host government was most important; that crisis management rather than military enforcement was emphasised; that the veto powers of the Security Council should be relegated in this case, to a more passive role as far as the operations themselves were concerned; and that the role of the Secretary-General was crucial in its administration. As the Secretary-General pointed out:

²⁴ These included in particular, the Lebanese Crisis of 1958 and the Crisis in Congo of 1960.

“That preventive diplomacy is of special significance in cases where the original conflict may be said either to be the result of, or to imply risks for, the creation of a power vacuum between the main blocs. Preventive action in such cases must in the first place aim at filling the vacuum so that it will not provoke action from any of the major parties, the initiative for which might be taken for preventive purposes but might in turn lead to counter-action from the other side. The ways in which a vacuum can be filled by the United Nations so as to forestall such initiatives differ from case to case, but they have this in common: temporarily, and pending the filling of the vacuum by normal means, the United Nations enters the picture on the basis of its non-commitment to any power bloc, so as to provide the extent possible a guarantee in relation to all parties against initiative from others.”²⁵

At this juncture it is necessary to recognise that Dag Hammarskjöld’s conceptualisation of preventive diplomacy hinged also on the following considerations. Firstly, preventive diplomacy focused on the prevention of conflicts between states with particular concern for avoiding confrontation between the major powers. Secondly, the prevention of conflict in these circumstances implied the prevention of armed hostilities, or in other words, the means by which to engage in conflict. This did not involve addressing categorically the root causes or determinants of conflict situations. Rather it involved the prevention of the escalation of armed confrontations. The mechanisms used for this purpose would be independent observation missions to report on emerging or early clashes involving armed hostilities, usually followed by maintaining a presence of such missions until such means of confrontation were contained or removed.²⁶ Unfortunately Dag Hammarskjöld met an untimely death in 1961 while attempting to complete peace-keeping operations in the Congo. This did not mean however that his vision for a working system of conflict prevention within the United Nation’s framework perished with him. The role played by consecutive Secretaries-General (although to varying

²⁵ Hammarskjöld, D., *Introduction to the Annual Report of the Secretary General on the Work of the Organisation 16 June 1959 - 15 June 1960*. This was cited in Laurus, J.(ed.), *From Collective Security to Preventive Diplomacy*, John Wiley, New York, 1965.

²⁶ Although observers such as Leon Gordenker have suggested that preventive diplomacy involves basically the ability of the Secretary General to invoke Article 99 of

degrees) saw preventive diplomacy continue to move forward both in concept and in practice.

II. The Development of Preventive Diplomacy and the Office of the Secretary-General

Since the introduction of preventive diplomacy by Dag Hammarskjöld, the United Nations has been a dominant actor in the development of its concept and practice. Throughout the tenure of the four Secretaries-General who succeeded Hammarskjöld, preventive diplomacy had undergone a process that saw it expand beyond peace-keeping to take on wider connotations. This has notably involved considerations of humanitarian intervention, recognising observation or information gathering as a primary tool, and perhaps most importantly, the recognition of preventing not only the escalation of violent conflict but also its emergence. At the same time the international system saw the establishment of several bilateral and multilateral agreements for the easing of tension and building trust between entities (otherwise known as confidence-building measures). Although a majority of these were developed outside of the United Nations framework, they have also been incorporated as a key part of preventive diplomacy methodology.

A.)_Thant

With the sudden death of Dag Hammarskjöld, U Thant assumed his role as third Secretary-General of the United Nations. Not known for his 'public' way to diplomacy, Thant preferred a low key and quieter role as a diplomat. He had a strong preference not to invoke Article 99 of the Charter and seemed reluctant to justify the uses of the Office of the Secretary-General for preventive action developed by his predecessor.²⁷ At first glance it would appear that because of

the Charter, Dag Hammarskjöld's actions suggest that to be of any consequence, 'preventive' ideas must be accompanied by some preventive action.

²⁷ Boudrea, T. *Sheathing the Sword*, Greenwood Press, New York, 1991, p.73

this, U Thant did not have any significant contribution to the conceptual development of preventive diplomacy during his ten-year term. After all, Thant refused to invoke Article 99 when it was requested by Egypt's Nasser, and did not feel the need to do in the face of a number of other conflict situations including: Yemen (1962-1963), West Irian (1962), Thailand and Cambodia (1960-1968), Rwanda and Burundi (1964), and India and Pakistan (1965 and 1971). The Secretary-General instead opted for personal consultations, informal contacts and quiet diplomacy rather than invite public debate (Article 99) on contentious issues.

What U Thant did do for the concept of preventive diplomacy, although mostly unnoticed at the time, was to introduce humanitarian considerations as a motive for preventive diplomacy and not merely the anticipated clash between armed hostilities. In 1971 Thant initiated the United Nations East Pakistan Relief Operation (UNEPRO) in response to massive human suffering caused by a severe natural disaster that was soon followed by a bloody civil war. This conflict between East and West Pakistan produced substantial casualties before generating a huge exodus of refugees into India. Thant activated the UNEPRO without any supporting resolution from the General Assembly, arguing that it was his obligation as Secretary-General and under the Charter to provide humanitarian assistance.²⁸ Although UNEPRO's activities in East Pakistan ran into difficulties, it was nevertheless effective in providing humanitarian aid in India.²⁹ Through this initiative, U Thant had added new significance to the role of the Secretary-General, and that was the responsibility and authority of the Office of the Secretary-General to take action to prevent humanitarian crises.

U Thant's employment of UNEPRO demonstrated that the United Nations could operate to minimise the effects of violence through providing humanitarian assistance. To this extent, Thomas Boudrea emphasises how the Secretary-General's preventive role also requires that he take action during a

²⁸ Ibid, p. 75

²⁹ In this case the Bangladesh forces (East Pakistan and later to be Bangladesh) believed that UNEPRO's involvement served the interests of West Pakistan. This led to several attacks on UNEPRO personnel and facilities. As a result some recall of UNEPRO's operation was taken.

conflict to minimise civilian casualties. He further points out that in order to prevent a wider war and a sharp escalation in fighting, the Secretary-General should thus have the authority and operational capacity to intercede in a particular conflict to prevent or minimise attacks against civilians.³⁰ Within this argument lies another critical aspect of the concept of preventive diplomacy - that it should be concerned with preventing the escalation of violence between entities, and in particular, violence which has spilled over or been directed at civilian populations. From this position the utility of observation missions and of course Article 99, is given even greater significance.

B.) Waldheim

The election of Kurt Waldheim (1972) as the next Secretary-General at a time of détente provided a different context for furthering the cause of preventive diplomacy within the United Nations. For the past two decades, global regions had become caught up in the rival containment and counter-containment strategies of the United States and the Soviet Union, while a vast conflict of political ideas and economic systems made international co-operation a complex and arduous process. With the two Super-Powers, the United States and Soviet Union, each exercising veto authority in the Security Council (when they thought it necessary), the United Nations overall mandate for maintaining peace and security had been shackled. But with the subsequent easing of tensions between the two Super-Powers, a series of major breakthroughs in the international system occurred. These included the end of the Vietnam War, a dramatic reduction of Soviet influence in the Middle East, the beginning of the Arab-Israeli peace-process, the Conference on Security and Co-operation in Europe, and an agreement that guaranteed access to a divided Berlin. In light of these developments, negotiations between the United States and the Soviet Union had managed to produce agreements such as the Helsinki Accords of 1975 and the Strategic Arms Limitation Talks (SALT I) ratified in 1975. These events (the period of détente) ultimately came to overshadow preventive diplomacy as a key

³⁰ Boudrea, T., *op cit.*, p.76

function of the United Nations and of course, the Office of the Secretary-General.

It is important to remember that by the beginning of Dr. Waldheim's administration, the United Nations had been familiar with the idea of preventive diplomacy for over a decade. But the Secretary-General managed to initiate preventive action only on a few occasions. These included invoking Article 99 for the situation in Cyprus of 1976 (where he received support from the Security Council to mediate between the Greek and Turkish Cypriots) and later for the Iranian hostage crisis (where he personally intervened in an attempt to secure the release of the hostages). By the end of Dr. Waldheim's term in 1982, the United Nations potential as an organisation for preventive action was still not fully realised. Because of this it is fair to suggest that interpretations of preventive diplomacy did not change much from what was put forth by Dag Hammarskjöld and to a certain extent U Thant. It would take Waldheim's successor, Javier Perez de Cuéllar to add new energy to the concept of preventive diplomacy under the UN banner.

C.) de Cuéllar

From the start of Javier Perez de Cuéllar's sojourn on the 38th floor of the United Nations building, it was clear that the fifth Secretary-General of the United Nations would need to take particular interest in the organisation's conflict preventive role. Within months of assuming office, the Secretary-General was confronted with the Falklands crisis and an urgent mediation role. However, de Cuéllar was unable to prevent the escalation of this conflict which eventually developed into both sides (the United Kingdom and Argentina) engaging in hostilities. The Secretary-General soon found himself pressed with another conflict taking shape in the Lebanon that involved Israeli forces entering Lebanese territory and engaging in violent clashes with the Palestinian Liberation Organisation (PLO). Intense fighting soon began to take its toll on the civilian population while, despite the declaration of a number of cease fires, fighting continued and saw internal clashes between the Lebanese, the massacre of

Palestinian refugees, and even attacks on multinational peace-keeping forces. Still de Cuéllar was unable to implement fully the Secretary-General's preventive role, only to be called upon by the Security Council to oversee the deployment of UN observers. In light of these events and frustrated by the inability of the organisation to act effectively in several other conflict situations, de Cuéllar included in his first *Annual Report*, a serious challenge to the permanent members of the Security Council to be more accountable, if not dedicated, to their explicit responsibility to maintain international peace and security. Not only did this bring to attention a need for the world organisation to be more committed to managing international conflicts in general, but an equally important need for it to develop further the capabilities for engaging in operations of such a kind. Simultaneously the 1982 Report embodied a major initiative in the conceptual development of preventive diplomacy, claiming that:

“ In order to avoid the Secretary-General becoming involved too late in critical situations, it may well be that the Secretary-General should play a more forthright role in bringing potentially dangerous situations to the attention of the Council within the general framework of Article 99 of the Charter. My predecessors have done this on a number of occasions, but I wonder if the time has not come for a more systematic approach. Most potential conflict areas are well known. The Secretary-General has traditionally, if informally, tried to keep watch for problems likely to result in conflict and to do what he can to pre-empt them by quiet diplomacy.”³¹

Within this document de Cuéllar deliberately acknowledged that there was a need to develop a more comprehensive and system-based approach to assisting the Secretary-General's role in preventive diplomacy, in particular his fact-finding or information gathering capabilities in potential conflict areas. In so doing, de Cuéllar pointed out that while the objective of preventive diplomacy was still to prevent the escalation of conflict situations, a crucial function was to be able to gather adequate information in order to recommend effective conflict management techniques. But by the same token the Secretary-General's

emphasis on information gathering touched upon another dimension of preventive diplomacy, and that was the prevention of the sources of violent conflict situations. The development of an effective information gathering system for preventive purposes in this case, automatically implies considering the factors that actually determine the causes of conflict situations and not solely the means of how such conflicts are able to escalate. If one is to analyse potential conflict situations, one must not only look at whether the situation will have the means to develop into a violent confrontation, but also why the situation is in itself a conflict. This would further imply suggesting appropriate measures to address the root causes of conflict situations whether they be at the political, economic or ethnic levels, and of course measures limiting the means which transform these disputes into violent clashes. Although it would be fair to say that this aspect of preventive diplomacy did not receive much recognition until later years, Javier Peres de Cuéllar's call for a more systematic approach to preventive diplomacy was realised with his establishment of the Office of Research and the Collection of Information (ORCI) in 1987.

Javier Perez de Cuéllar intentions for ORCI were to provide the Office of the Secretary-General with a mechanism for gathering and analysing information on a regular basis. This, it was believed, would integrate the information management responsibilities of the Office so as to improve conflict identification for early-warning. The immediate responsibilities of ORCI centred on collecting and disseminating political news and information within the Secretariat, as well as carrying out research and drafting of reports for the Secretary-General. For this it had the following mandates:

“to assess global trends; to prepare country, regional , subregional and issue-related profiles; to provide early-warning of developing situations requiring the Secretary-General's attention; to maintain current information in data systems; to monitor factors related to possible refugee flows and comparable emergencies; to carry out ad-hoc research and assessments for the immediate needs of the Secretary-General; to consolidate and distribute political information from the media and from the United Nations information centre; and to

³¹ de Cuellar, J.P., *Report of the Secretary General on the Work of the Organisation 1982*. This was cited in Boudrea. T.J., *op cit.*, p.88

*prepare and edit drafts of the Secretary-General's public statements, message and reports.*³²

ORCI seemed to have a good beginning, but it was soon besieged with a number of problems. First, there was no effective system of early action to respond to early-warning signals. On many occasions ORCI officers would send early-warning signals to the Executive Office of the Secretary-General, but because this office was overburdened and had no real capacity for early action, little was done. Second, there was the inability to develop a sophisticated quantitative system for early-warning due to a lack of agreement on what kinds of indicators are more useful for prediction, and a lack of expertise in computer programming. Third, ORCI was too centralised. It relied on the assumption that early-warning analysis could be implemented from UN Headquarters in New York by using complex models to predict emerging conflict situations world-wide. To this extent it has been argued that even if this system had worked to predict where a crisis would erupt, ORCI would not have provided the more qualitative analysis needed to understand why a given dispute was occurring or what might be done to ameliorate the situation.³³ Fourth, and perhaps more importantly, there was also a political reluctance shared by many states to give the Secretary-General this tool.³⁴ Although ORCI was dismantled in 1991, Javier Perez de Cuéllar's legacy on the development of the concept of preventive diplomacy was of great significance, particularly since it brought to attention the importance of conflict awareness and early warning.³⁵ Based on his initiatives with ORCI, preventive diplomacy was first about early-warning, and perhaps more importantly, the ability to provide it. At the same time his experience in trying to develop the utility of the concept had also emphasised another

³² UN Press Release, 2 March 1987.

³³ Peck, C., *Sustainable Peace: The Role of the UN and Regional Organisations in Preventing Conflict*, Rowman & Littlefield Publishers, Maryland, 1998, p.73

³⁴ For a critical account of how ORCI was not given adequate political support see Shahabi, S.J., *Preventive Diplomacy at the United Nations, a study of the rise and fall of the Office for research and the Collection of Information*, PhD Thesis, University of Kent at Canterbury, 1996.

³⁵ ORCI's information collection and analysis functions were reassigned to the new Department of Political Affairs. The Department of Peacekeeping Operations was given responsibility for setting up and managing peacekeeping operations, while the Department of Humanitarian Affairs was created to provide a more effective response to

important functional necessity - political will. By the end of his term in the early 1990s, preventive diplomacy was to take on a wider set of concerns. Significantly, this can be attributed to the end of the Cold War and the subsequent change in perception of security concerns and thus conflict management within the international system.

D.) Boutros-Ghali

By the time Boutros Boutros-Ghali was appointed Secretary-General in 1992 preventive diplomacy, as a definitive concept, was beginning to resurface, this time not only within the United Nations framework. Discourse on the possibilities of preventive diplomacy (as opposed to 'reactive diplomacy') seemed to be ever increasing within intergovernmental organisations, as well as the 'Track Two' or non-governmental circles. Quite often the concept appeared in the many proposals for new regional security frameworks and for the reform of existing ones, stressing a variety of themes such as humanitarian action, non-coercive action, quiet diplomacy and an attachment to a broad definition of security. This increased attention that preventive diplomacy received and the apparent demands for the world organisation to be more pro-active in maintaining international peace and security required a contemporary and indeed categorical definition. In response, the Secretary-General published the document *An Agenda for Peace*, which included what has been regarded by many as the first comprehensive definition of preventive diplomacy developed in the United Nations framework.

It has been suggested that this interpretation of preventive diplomacy is a significant variation from that which was originally envisioned by Hammarskjöld in two main areas: the addition of confidence-building measures, and the separation of the term from peace-keeping. Dr. Boutros-Ghali suggests that preventive diplomacy is in essence, action to prevent disputes from arising, existing disputes from escalating and the spread of conflicts when they occur.

humanitarian problems. It was hoped the three offices would be able to work closely together to provide a more integrated approach to conflict prevention.

The role of the United Nations, therefore, is to identify at the earliest possible stages, situations that could produce conflict and attempt to remove the source of danger before violence occurs.³⁶ The former Secretary-General advocated the use of confidence-building and early-warning systems as fundamental prerequisites to preventive diplomacy. Confidence-building measures generally refer to operations such as a systematic exchange of military missions, and the formation of regional risk reduction centres, all of which serve the purpose of reducing the likelihood of interstate conflict.³⁷ As preventive diplomacy depends considerably on timely and accurate knowledge of facts in order to suggest effective preventive action, fact-finding through intelligence reports, special missions or regular contacts with governments thus serve as the foundation for strengthening the early-warning capabilities of the organisation.³⁸ In this case early-warning is concerned with a variety of issues (ranging from environmental threats, the risk of nuclear accidents, resource depletion and mass movements of populations) which combined with political indicators, could come to serve as a source of violent conflict. Here Boutros-Ghali reaffirms the work of his predecessors by emphasising that the gathering of information is crucial. The variation is that he acknowledged and incorporated confidence-building measures as central to this process of information flow.

Boutros-Ghali further implied the use of demilitarised zones or preventive deployment as part of this formula, suggesting that they are at least initial strategies that the United Nations can resort to for preventive action. Both preventive deployment and demilitarised zones suggest the importance of establishing a United Nations 'presence' in order to deter disputing parties from engaging in or escalating armed hostilities. Dr. Boutros-Ghali recommended the use of preventive deployment in several circumstances, such as conditions of

³⁶ Although there are no longer consideration for avoiding super-power intervention in a post Cold war environment, neither has the role of powers in contributing significantly to preventive action been ignored. Moreover it has been suggested that major powers have even a larger role to play in this field since it is in their interests to maintain an orderly international system.

³⁷ These will be discussed with further detail.

³⁸ This is not be linked with 'intelligence operations' of government agencies which usually imply the use of clandestine methodologies. It was Dag Hammarskjöld who first brought to attention the inappropriateness of 'intelligence activity' as such, especially for an international secretariat serving a membership of sovereign states.

internal national crisis where the government or parties concerned would request UN assistance (which could imply humanitarian assistance, assistance in conciliation efforts, or assistance in maintaining security either through military, police, or civilian personnel in order to alleviate human suffering and to limit or control violence), in cases of inter-state disputes when two countries feel the necessity of a UN presence, and in cases where a country feels threatened and requests the deployment of an appropriate UN presence along its own side of the border.³⁹ Demilitarised zones would serve as a symbol of concern by the international community for the prevention of violent conflict. They should be viewed as an addition to peace-keeping operations and established (with agreement from the parties involved) as a means of separating potential belligerents, or for the purpose of removing any pretext for attack. Another key difference between Boutros-Ghali's interpretation and that of his predecessors, with the possible exception of de Cuéllar, is that he not only regarded preventive diplomacy to be the prevention of disputes from escalation but also preventing them from emerging. But did this imply that it is important to identify and if possible eliminate the root source of disputes before they generate a violent conflict, or does it still mean the elimination of the means by which to make conflict?

Boutros-Ghali acknowledged that the sources of conflict and war are numerous. There is potential for violent conflict to originate from a number of disputes, whether they be political, territorial, economic or ethnic. As such, efforts to enhance respect for human rights, promote sustainable economic development and control destructive armaments fall, to a certain extent, into preventive diplomacy action. The problem is that such efforts can often be regarded as normal diplomacy or normal international relations and cannot be totally differentiated as exclusive preventive diplomacy properties. A clearer interpretation of this suggestion may be that it is necessary first to distinguish between what is long term preventive diplomacy and short term preventive diplomacy. The former involves seeking measures progressively to improve relations within the international system on a host of issues, while the latter seeks

³⁹ Boutros-Ghali, B., *An Agenda for Peace*, United Nations, New York, 1995.

to identify the immediate causes of particular armed confrontations before letting them develop into a crisis. The task then is to define what gives a situation the potential for escalating into violence and the obvious questions here would include the following: what are the military capacities of the parties involved in conflict?, are there any alternatives to settling the conflict other than through violence?, and who have been or are likely to be the main advocates of armed hostilities? What Boutros-Ghali pointed out was that while it is important to take the opportunity offered by a post Cold War environment to develop further the capabilities of the United Nations preventive role, the occasion to foster greater international co-operation in peace building must also be appreciated.

This is reflected in his central proposition that preventive diplomacy must be viewed as part of a larger mandate of the United Nations and other supporting agencies for the maintenance of international peace and security. In the *Agenda for Peace* report, Dr. Boutros-Ghali clearly distinguished between preventive diplomacy, peace-making, peace-keeping, and post conflict peace-building while suggesting that they are all essential components of one comprehensive formula. If preventive diplomacy's focus is to avoid crises, then peace-making is action to bring hostile parties (those already involved in some form of crisis) to agreement, essentially through peaceful means. Boutros-Ghali argued that unresolved interstate conflicts are due more to the lack of political will on part of the disputing parties to seek a solution to their differences rather than a lack of techniques for dispute settlement. This must be acknowledged so that the Security Council, Office of the Secretary-General, and the General Assembly (in close co-operation with each other) can play a greater role in mediation or negotiation between disputing parties. To support peace-making efforts the former Secretary-General proposed, among other things, the universal acceptance of jurisdiction of the International Court of Justice, peace enforcement units (UN military missions that would be more heavily armed than peacekeeping forces) to thwart outright aggression, and a set of measures (under Security Council discretion) to insulate states from special economic problems and encourage co-operation with the Council.⁴⁰

⁴⁰ Out of these, his suggestion of peace enforcement seems to be the most controversial as it implies the United Nations making political and military preparations for a limited

Dr. Boutros Ghali then reiterated the long tradition of United Nations peacekeeping to complement peace-making while identifying the basic conditions for the success of such operations. These include briefly, a clear and practical mandate, continuing support from the Security Council, co-operation from the parties implementing the mandate, readiness of the member states to contribute personnel, effective UN command in headquarters and in the field, and adequate financial and logistical support. He further argued that peace-keeping operations must not only concern military personnel but also human rights monitors, electoral officials, refugee aid specialists and even police officers. This reflected the changing nature of peace-keeping operations which, particularly since the end of the Cold War, have come to involve activities in the area of humanitarian and redevelopment programmes. Along with the traditional functions such as maintaining a presence or acting as a barrier to armed confrontations and monitoring arms control measures, peace-keeping operations now include acts of political interaction for conflict prevention, provision of and support for law and order, disarmament, support for humanitarian operations, endorsement of elections and of course, human rights. Although this expansion in activities of peace-keeping might suggest a change in purpose beyond limiting the violent aspect of conflict situations, their immediate purpose is to restrain violence and not necessarily to eliminate the value of functional conflicts. As such, peace-keeping, according to Dr. Boutros-Ghali's *Agenda for Peace*, must be seen as conflict settlement methodology.

Perhaps a more direct attempt to inspire pro-active measures for dealing with conflict was the former Secretary-General's notion of post-conflict peace-building. Post-conflict peace-building is defined in this report as efforts to identify and support structures that will tend to consolidate peace and advance a sense of confidence and well being. It is more or less a series of programmes to build functional ties between former adversaries in order to eliminate the incentives for conflict. In this case the key objective is to create co-operative frameworks between parties on a host of issues that directly contribute to

war. It is basically a call for forcible intervention between disputing parties, with or without their consent, which could result in biased consequences.

economic and social development.⁴¹ Dr Boutros-Ghali then made reference to post-conflict peace-building as a counterpart to preventive diplomacy in that it seeks to avoid the breakdown of peaceful conditions or the recurrence of crisis situations. In many ways this notion is parallel to what was discussed previously as protracted or long-term preventive diplomacy. What is also stressed is that peace-building is integral to the success of peace-making and peace-keeping operations. This is based on the idea that post-conflict peace-building is part of a succession of operations, and that it should be applied when the objectives of peace-making and peace-keeping have already been achieved.

Of course the proposals offered by Dr. Boutros-Ghali have not been totally free from vigorous conceptual challenges. For instance it is not always the case that peace-keeping activities will complement peace-making efforts. In some cases peace-keeping operations, by attempting conflict settlement rather than resolution, could actually restrict peace-making objectives. Then there is the controversy over the idea of peace enforcement units that will be more heavily armed than traditional peace-keeping forces. Not only does this instinctively imply an increase in armed confrontation, but it can also lead easily to misperceptions over the impartiality of United Nations forces engaged in such operations. Although such units may originally be intended to equip the United Nations with a more decisive mechanism to thwart aggression, they risk partaking in full scale enforcement action which would require nothing short of successful military strategies. This ultimately contradicts peace-making objectives of persuading disputing parties to work towards a negotiated settlement through peaceful means.

Another questionable suggestion of this report is one that ascribes the centrality of the United Nations (in this case the Security Council and the General Assembly) in peace-making activities. But as mentioned previously, and in the traditions of former Secretary-General U Thant, such formal and public

⁴¹ The report mentioned co-operative projects on agriculture development, transportation, education, cultural exchange and specifically de-mining as some examples of post-conflict peace-building measures. Dr. Boutros-Ghali also suggested the strengthening of new democratic institutions for the achievement of 'true peace',

venues may not be suitable for particular peace-making endeavours requiring informality or quiet diplomacy. In relation to this there is also the suggestion that the Security Council may not be the best structure to carry out preventive diplomacy in the first place. This argument is based on the fact that in practice, most disputes do not reach the Security Council's agenda until they have escalated into armed conflicts, and that member states are sometimes reluctant to relinquish control over the process and outcome of their disputes to a Security Council with powerful coercive instruments, and whose members are perceived to be pursuing their own geopolitical interests.⁴²

There are a host of other questions concerning the claims made by the Agenda for Peace, covering aspects of donor and manager states in peace-keeping, the increase in range of peace-keeping operations, and the ability of the organisation to approach intra-state conflicts.⁴³ This does not necessarily mean, however, that the report has not made any contribution to our conceptual interpretations of the various activities associated with the maintenance of international peace and security, or to reaffirming the organisations commitment to self-improvement in the undertaking of such responsibilities. By minimising the concept to more specific objectives and methodologies, Dr. Boutros-Ghali has formally departed from the tradition of acknowledging preventive diplomacy as mainly peace-keeping, while continuing with aspects of early-warning and fact-finding. The primacy of fact-finding and early-warning, as we have seen, has been closely associated with the Office of the Secretary-General, especially so when considering its role in assisting the work of the 'good offices'. The suggestions for preventive deployment and demilitarised zones reflect the historical importance of establishing and maintaining a neutralising presence. The inclusion and endorsement of confidence-building measures, on the other hand, have been influenced by a series of experiences in conflict risk-reduction

while arguing that it is important for the United Nations to regard social peace as a fundamental concern, level with strategic or political peace.

⁴² Peck, C., *op cit.*, p.71

⁴³ These extend also to the *Supplement to the Agenda for Peace*, published by Dr. Boutros-Ghali in 1995.

developed, articulated and practised more frequently outside the UN framework.⁴⁴

The advocacy of 'confidence-building measures' (CBMs) by Dr. Boutros-Ghali as integral to preventive diplomacy stemmed from a series of agreements developed by states, in particular the two Super-Powers, for avoiding potentially dangerous incidents and reducing the risk of inadvertent war. Although it has been argued that the term 'confidence-building measures' was not officially recognised until the 1970's, the idea (and indeed the phrasing of such a term) came about by the 1950's when the Eisenhower administration first proposed the mutual inspection of both Soviet and American territory by each others' aircraft. Although this gesture was rejected by the Soviets in the end, it nonetheless symbolised the possibility of collaborative measures in order to develop a more stable Super-Power strategic relationship.⁴⁵ However, the two Super-Powers were able to agree on subsequent measures to avoid unwarranted military confrontation. This included, for example, a unilateral gesture by President Kennedy in 1962 for certain nuclear command and control systems, the 'Hotline' agreement of 1963 establishing direct telecommunications links between Washington and Moscow, the 1972 Incidents at Sea Agreement preventing accidents and incidents between the Soviet and American navies, the 1973 Soviet-American Agreement on the Prevention of Nuclear War (providing for urgent consultations in the event of the risk of war), and a number of provisions in the SALT and START treaties.

Such CBMs included formal or informal agreements (bilateral or multilateral) intended to clarify a potential adversary's military intentions, to reduce uncertainties about hostile intent, or even to restrict the opportunities for an unwarranted attack. It is also important to see in these cases how the CBM's

⁴⁴ This is not to say that confidence-building measures were unpractised by the United Nations. The UN has actively been involved with parallel measures since the early 1980's.

⁴⁵ A similar agreement, however, was later accepted by both powers in 1972 under the provisions of the SALT I treaty. There was also a proposal in 1958 from the Soviet Union calling for the exchange of key military observers although this too was not implemented at the time.

were designed by the USA and Soviet Union on two spectrums: first in a short term dimension where the principal focus would be to defuse or prevent crisis, and second, in a long term dimension in which the creation of habitual gestures to reduce tension was the salient purpose. Of course there have been varying references to several of these CBMs as having been motivated by overriding reasons such as intelligence gathering, the ineffectiveness of arms-control measures or even maintaining the status quo. Some were alleged to be clouded by the deliberate exchange of wrong information, others by contrasting philosophies on particular measures resulting from divergent political and military strategies. But it would be inadequate to argue that they were generally concocted to serve such political and strategic purposes. The CBMs adopted by the two Super-Powers were innovative at the time in that, regardless of such speculations on their aims mentioned above, they provided a channel between two staunch adversaries for co-operation on military issues that furthered the development of a constructive functional relationship.⁴⁶

The key point is that in an international environment of intense Super-Power rivalry during the Cold War (which inevitably juxtaposed scenarios involving nuclear warfare), interaction between the USA and the Soviet Union, especially on matters of security, were highly visible and became of particular concern for the international system. This consequently propelled the relevance of CBMs for the prevention of potentially violent conflict in the greater domain

⁴⁶ This was especially true in the case of the 1972 Incidents at Sea Agreement. The 1972 Incidents at Sea Agreement has been considered as one of the most effective confidence-building measures utilised by the two Super-Powers. The Agreement's chief concern was to reduce the number of dangerous incidents and accidents between the two navies, and to prevent those that took place from escalating into a crisis. This was to be done through four basic operations, namely, the regulation of dangerous manoeuvres, the restriction of other forms of harassment, increased communications at sea, and the convening of regular naval consultations and exchanges. In essence such measures were designed to increase American and Soviet confidence in the non-threatening nature of each other's naval action. Following the adoption of such measures, the two Super-Powers were able to avoid a number of dangerous situations. This allowed for a more stable relationship to develop which lessened the probability of crisis situations, this in spite of a few tension-ridden incidents in the 1980s (one concerning Soviet interference in US salvaging operations of a shot down Korean airliner and the other concerning a collision between a Soviet submarine and an American carrier). For more information see Lynn-Jones, S.M., 'A Quiet Success for Arms Control: Preventing Incidents at Sea' in, *International Security*, Vol. 8, No. 2, Spring 1985.

of East-West confrontation. In 1975 a successful effort to design specific confidence-building measures in an East-West context took place within the Conference on Security and Co-operation in Europe and produced the Helsinki Final Act. The measures vested in this agreement called for the provision of information on military forces and activities and included guidelines for prior notification of military manoeuvres and the exchange of observers at such manoeuvres. The chief objectives of these measures were to improve communications and reduce the incentives for military competition that derive from uncertainty and misunderstandings over strategic intentions. A total of thirty-five states participated in the arrangements that included all of Europe (with the exception of Albania), Canada and the United States. The Helsinki measures were all voluntary and have even been viewed as modest in scope with rather restrictive applications. This did not, however, deter subsequent initiatives at developing a more extensive package of confidence-building arrangements. Further attempts included the 1979 NATO proposals at the MBFR talks and the 1986 Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe (CDE). Among other things, the 1979 NATO 'Associated Measures' called for more detailed programmes involving the United States, Soviet Union, the UK and Canada in terms of observation and mutual inspections, while the 1986 Stockholm Conference sought to reinforce as well as expand the measures contained in the Helsinki Final Act.

Of course experiences of confidence-building have not been limited to Super-Power or European case studies, though one could argue that it was here where most analysis on the merits of such arrangements took place. Other notable episodes include specific measures of the 1975 Egyptian-Israeli Accord on the Sinai, the 1978 Camp David Accords and then the United Nations comprehensive report in 1981 which argued for the use specific measures conducive to arms control and disarmament, reducing tensions and the avoidance of severe misunderstandings between member states. What also cannot be discounted are the numerous bilateral agreements concerning military relations which constitute confidence-building measures, most of them being found within border-region co-operation agreements between states. The fact is, over the years since their initial employment in a multilateral framework as in the case of the

CSCE, CBMs have significantly increased in context and in content, and are now looked upon as a useful way of addressing extensive aspects of inter-state relations.⁴⁷ It has even been asserted that CBMs are the fastest growing element of arms control of the post-Cold War era.⁴⁸

But it has also been suggested that confidence-building measures are very specific in nature, each requiring their own set of favourable circumstances to succeed. Given this it would be difficult to argue that there exists a standard formula for the conceptualisation and implementation of confidence-building measures, just as it would be to suggest that there is a general utility attached to them. The point is that in no way are CBMs perfect nor do they guarantee a relaxing of tensions or the advancement of trust. To this extent Marie DesJardins has made the point that confidence-building measures have sometimes been oversold, primarily because they are often associated with high expectations. After all, typical references to confidence-building measures accentuate several 'campaign slogans' of security management by suggesting that they can inhibit the use of force for political coercion, increase predictability, strengthen stability, improve political climates, enhance security, and act as a basis for creating co-operative security regimes. But in their most basic form, confidence-building measures focus on the capabilities to engage in armed confrontations. They generally involve improving communication or constraining threatening military activities, so as to avoid unwarranted violence. What they do not do is address directly the intentions to engage in conflict, nor do they deal with the root causes of conflict. It is highly unlikely that CBMs preserve peace amongst those already determined to go to war. But in spite of convincing arguments and indeed counter-arguments over the usefulness of CBMs (whether in the traditional European-experience based form or in the process-oriented version), what cannot be detracted from them totally is their potential role in crisis prevention. If conceived and implemented correctly, and if circumstances permit, CBMs have the ability to regulate the operations of military forces and to provide reassurance about military intentions, to limit the possibility of accidental confrontations

⁴⁷ Desjardins, M., *Rethinking Confidence-building Measures*, Adelphi Paper No. 307, International Institute for Strategic Studies, 1996.

⁴⁸ *Ibid.*, p.4.

through miscalculation or failure of communication, and to facilitate the interpretation of constructive and non-threatening relationships (predictability) among states. In essence they have the capacity to broaden and reinforce shared interests in the avoidance of war, while simultaneously facilitating the conduct of mutual restraint. It is here where CBMs and preventive diplomacy share a fundamental axiom of preventing the escalation as well as the emergence of violent conflicts.

III. Constructing a Working Definition of Preventive Diplomacy

So far, our discussions have concerned the evolution of the concept and practice of preventive diplomacy during and only just after the Cold War years. A practice largely influenced by the United Nations, preventive diplomacy was regarded by many as an activity which would work well within the realm of the world organisation, and in particular the Office of the Secretary-General. But as previously mentioned, the complexities of recent international conflict situations and the apparent inability of the UN to cope fully with the increasing range of peace and security operations has led to recommendations for improvement in the way we consider and implement preventive diplomacy. Demands for more practical definitions and interpretations of preventive diplomacy within the study and practice of international relations are now the norm. So, in order to construct a working definition of preventive diplomacy for the purpose of this analysis, it is necessary first to survey some of the contemporary definitions of preventive diplomacy. These interpretations vary considerably, as they stem from a variety of backgrounds - government departments, non-governmental organisations, academic institutions and other specialised agencies. In so doing we find that a number of them originate from a preliminary challenge to the way in which the United Nations has approached preventive diplomacy operations. This is not uncommon given the recent episodes of violence and humanitarian disasters in Rwanda, and of course Kosovo.

A closer look into these interpretations will also reveal that they strive towards a comprehensive definition of preventive diplomacy with many aspects such as peace-building, dispute monitoring and assisting in the development of democratic institutions. The fundamental problem is that without making a clear distinction between policies for conflict management and conflict resolution, any study of preventive diplomacy will prove difficult. As previously mentioned, the focus of this study is preventive diplomacy at the short term or conflict management level. It is preventive diplomacy that is concerned with thwarting crisis situations, in particular the emergence and the escalation of violent confrontations between entities. Although policies at this level do consider the implications of political, nationalistic and ethnic tensions, the main goals are deterring, avoiding or settling violent confrontations.

A) Valuing the Concept of Preventive Diplomacy

The manner in which Boutros-Ghali expressed his definition of preventive diplomacy has generated voluminous debate on what it actually can do. This has led to a variety of criticisms on the utility of *An Agenda for Peace*-based approach to preventive diplomacy. Many of these are fixed on the notion that preventive diplomacy measures have not really worked, as exemplified by the bitter experiences in the former Yugoslavia, Somalia and Rwanda. The argument is that the methodologies belonging to this framework were unable to prevent the aforementioned cases, even though they were readily available within the functional capabilities of the United Nations. But it has also been suggested that preventive diplomacy has become a victim of oversell, even though there is a lack of understanding on what is needed to make them truly effective. What is needed, according to John Stedman, is prescience, prescription, and mobilisation, in the face of the idea that “there is little basis for optimism in the ability of social science to precisely forecast the outbreak of violent domestic conflicts”

and that “the kinds of conflict endemic to the post-Cold War era pose intractable problems for the previously mentioned ingredients”.⁴⁹

Stedman goes on to comment that ideally, preventive diplomacy would involve nothing more than talking, assuming that disputing parties are willing to respond to international appeals for constraint. But the reality is that preventive action is unlikely to work against those who are determined to engage in violence in the first place. Stedman then recommends that preventive diplomacy should be designed not only to contain conflicts before they become violent but also to manage and even resolve them.⁵⁰ Additionally they should not sacrifice a quest for justice in an attempt to manage conflicts. Unless these points are realised then, “policies of preventive diplomacy simply mean that one founders early in a crisis instead of later”. Although this position has often been criticised as being too heavily based on the worst-case experiences of preventive diplomacy under the UN banner, Stedman does make an important point. Preventive diplomacy policies in the dimension of conflict management attempt to remove the ways and means of violent confrontation. In so doing they are not always directly concerned with the root causes of conflicts and therefore are not specifically aimed at conflict resolution. What is needed however, is the acknowledgement (and indeed clarification) that there are preventive diplomacy policies for conflict management and those for conflict resolution. The point is that ideally, both sets of policies should complement each other to provide an efficient preventive diplomacy framework.

As we look further into the prevailing definitions of preventive diplomacy, it is not difficult to detect the variations in emphasis. For instance there are observers such as Desmond Ball and Simon Tay who emphasise the diplomatic disposition of preventive diplomacy. Ball contends that preventive diplomacy is about diplomacy and not about preventive deployments or interference in the internal affairs of any country. He further argues that the conduct of preventive diplomacy should fully respect the principle of sovereign

⁴⁹ Stedman, S.J., *Alchemy for a New World Order: Overselling Preventive Diplomacy*, in *Foreign Affairs*, May/June 1995.

⁵⁰ *Ibid.*

equality, political independence of states, territorial integrity and non-interference in matters that are essentially within the domestic jurisdiction of any state.⁵¹ Similarly, Tay has argued that preventive diplomacy stands at a midpoint between prior actions such as crisis prevention and CBMs, and later actions such as peacekeeping.⁵² Preventive diplomacy is therefore more ambitious and immediate than conventional diplomacy, often presupposing a multilateral setting (or third party involvement). In this light, its key elements are the use of diplomatic, non-coercive and non-military measures in the effort to anticipate and prevent conflicts. As can be seen, both observers make it a point to pre-empt grounds for controversy by clearly omitting the potential use of force, and the implications of preventive diplomacy on sovereignty *vis-à-vis* the doctrine of non-interference.

There are of course broader definitions, many of which cover intra-state and inter-state conflicts, governmental and non-governmental actors, conventional as well as unconventional security challenges, and a wide range of diplomatic, economic, political and even military instruments. The Office for Democratic Institutions and Human Rights (the institution primarily charged with the 'human dimensions' within the OSCE) has suggested that preventive diplomacy is action meant to forestall policies that create political and social tension⁵³, while Rory Steele has offered that preventive diplomacy should focus on what might be done co-operatively by the international community to ensure peace before serious differences cross the threshold into conflict. Correspondingly Japan's National Institute for Research Advancement (NIRA) stipulates that preventive diplomacy is any non-coercive action taken by any actor to prevent disputes between parties from becoming violent, and from escalating or spreading into armed conflicts that might endanger peace and

⁵¹ Ball, D., *Principles of Preventive Diplomacy*, paper presented at the Preventive Diplomacy Workshop of the CSCAP-CSBM Working Group, Strategic and Defence Studies Centre, Australia National University, 1999.

⁵² Tay, S., and O. Talib, 'The ASEAN Regional Forum: Preparing for Preventive Diplomacy', in *Contemporary Southeast Asia*, Vol.19, No.3, December 1997.

⁵³ These policies, according to the ODIHR, include human rights violations, such as denial of an individual's freedom of expression and of his or her right to a fair trial, and discrimination against people on the grounds of ethnic, linguistic, religious identity, or political affiliation.

security.⁵⁴ Then there have been particular NGOs which insist that for preventive diplomacy to be truly worthwhile, it must consider the different dimensions of the conflict arena; the personal, the local, the national, the regional and the international. Correspondingly the primary concern should be to create local capacity, based on well-founded development programmes, good governance and the cultivation of institutions and mechanisms to prevent conflicts. Calls for preventive diplomacy to resolve disputes before they turn violent are ever increasing as are suggestions that it should concentrate more on the human suffering dimension, while making use of other forms of action including preventive disarmament, preventive humanitarian action and preventive peace-building.

Perhaps the way to view preventive diplomacy is first to argue that it should not only include a broader set of policies and strategies, but that it also be about greater participation. This is partly based on the conviction that the UN approach to preventive action has been too technical while not sufficiently accounting for the structural causes of conflict, especially those of an ethnic dimension. It has frequently been articulated that non-government agencies have the capacity to contribute to specific activities like early-warning, therefore facilitating a more timely response to prevent violent incidents. Among the many proposals for the expansion of preventive diplomacy concerns has been the idea of preventive peace-keeping. Preventive peace-keeping as defined by Stephan Ryan, is action that is taken to stop destructive conflict developing. It may seem similar to preventive deployment but its main distinction is in scale, the former considers broader objectives and activities both military and non-military, while the latter involves a smaller number of troops, an example being the UN Preventive Deployment operation in Macedonia. Recently there have also been ideas that preventive peace-keeping need not only involve military but civilian operations, with assistance available from non-governmental organisations. Another, more detailed interpretation of preventive diplomacy stressing greater participation is by Amitav Archarya. Archarya provides a broad definition which

⁵⁴ National Institute for Research Advancement, 'Defining preventive Diplomacy', Paper Prepared for the Conference on Preventive Diplomacy in the Asia-Pacific, Tokyo, December, 1994.

considers preventive diplomacy as diplomatic, political, military, economic and humanitarian action taken by governments, multilateral organisations and international agencies with the aim of preventing severe disputes and conflicts from arising between and within states, preventing such disputes from escalating into armed confrontation, limiting the intensity of violence resulting from such conflicts (preventing it from spreading geographically), and preventing and managing acute humanitarian crises associated with such conflicts.⁵⁵

While it may be important to consider that broad definitions of preventive diplomacy have the advantage of constructive ambiguity, Michael Lund argues in favour of more practical proposals. Lund's recent work has received significant attention, as he makes a number of key points. First is the assertion that the many broad definitions of preventive diplomacy, in particular *An Agenda for Peace*, do not pin point the essence of the concept and therefore do not distinguish it from other forms of diplomacy, foreign policy, and conflict intervention. A more precise definition should thus be generic and flexible enough to be applicable to different contexts and yet specific enough to be implemented. Importantly, it should indicate when preventive action should be taken during the emergence of a situation, who principally takes such action, how they take such action (in terms of techniques and instruments used), and what problem it targets. To this extent it is suggested that what can be prevented and what should be prevented are not underlying sources of conflict that arise naturally, but rather the pursuit of interests through armed force or through some other form of coercion.⁵⁶

The conceptual core of preventive diplomacy has to do with keeping peaceful disputes from escalating unmanageably into sustained levels of violence and significant armed force. Given this, Lund defines preventive diplomacy as "action taken in vulnerable places and times to avoid the threat or use of armed force (and related forms of coercion) by states or groups to settle the political

⁵⁵ Archarya, A., 'Preventive Diplomacy: Issues and Institutions in the Asia Pacific Region', in Bunn Nagara and Cheah Siew Ean (eds), in *Managing Security and Peace in the Asia Pacific*, Institute for Security and International Studies (ISIS), Kuala Lumpur, Malaysia, 1996.

disputes that can arise from the destabilising effects of economic social, political, and international change".⁵⁷ Such actions can be performed by governments, multilateral institutions, NGOs, individuals or the disputants themselves, and may involve a series of diplomatic, political, military, economic and other measures. The important thing to remember is that preventive diplomacy is especially operative at the level of unstable peace - a situation when tension and suspicions among parties run high but violence is either absent or only sporadic.⁵⁸ In this dimension preventive diplomacy comes into play only when policies, institutions, and procedures between states and groups (at the local, national or regional levels) that could handle disagreements, either do not exist, break down, or fail to regulate political disputes and conflicts of interest, thus creating a risk of the threat of use or use of armed force or the outbreak of widespread violence.⁵⁹

There are a growing number of other observers who advocate caution over unclear definitions and operations of preventive diplomacy. As a prime example, Connie Peck highlights the conceptual confusion in *An Agenda for Peace*, between 'preventive diplomacy' and 'preventive deployment', arguing that that it would have been more appropriate to categorise these as two distinctively different types of preventive action. The point is that the blurring of methodologies, suggests that preventive diplomacy might sometimes be a power-based approach. Although Peck does not provide her own definition of the term, the overall emphasis of her argument has to do more with the practice of preventive diplomacy within the United Nations system. The main point of this position is that an increasingly active Security Council may not be the best organisation to direct preventive diplomacy activity. This is based on the notion that there is growing perception within the world organisation that the members of the Security Council (with a lack of representation and consultation) may apply different standards to different cases, and in certain situations, take action

⁵⁶ Lund, M., *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, United States Institute for Peace, Washington D.C, 1997.

⁵⁷ *Ibid.*, p.37

⁵⁸ *Ibid.*, pp.39-40.

⁵⁹ *Ibid.*, p.42

to pursue their own geopolitical aims.⁶⁰ Therefore action taken by the Council⁶¹ under the cause of preventive diplomacy could be motivated by interventionist intent and may involve, for example, the use of early-warning information passed on by the Office of the Secretariat to propagate some form of unwarranted coercive intervention. Accordingly this has instigated further debate on sovereignty, and the dangers of internationalising a problem.

The fact of the matter is that definitions of preventive diplomacy will constantly attract debate, since its essence first involves accommodating the fundamental questions of preventive diplomacy: by whom, how, at what level and for what purpose? This is not to say that the numerous opinions of what preventive diplomacy should achieve are totally inadequate, but rather the contrary. As mentioned before, the danger here lies in the unnecessary amalgamation of what has been discussed previously as short-term preventive diplomacy and long-term preventive diplomacy. This could lead to a sense of confusion over the aims of preventive diplomacy, where unclear agendas do not distinguish between policies for conflict management and conflict resolution, and may even produce strategies that are too ambitious. What is needed is some sort of conceptual framework based on the common features of the prevailing definitions of short-term preventive diplomacy, and a distinguishable spectrum of policies specifically set out for preventing the emergence and escalation of violent confrontations. From this perspective we begin the construction of a working definition by looking at the scope, actors, and instruments of this function.

B.) A Working Definition of Preventive Diplomacy

It has been suggested that formulating a generic definition of short-term preventive diplomacy should involve an amalgamation or rough synthesis of the

⁶⁰ Peck, C., *op cit.*, p.71

⁶¹ Peck suggests here that in the case of the Security Council this often refers to 'late prevention' rather than 'early prevention'.

many assumptions and features associated with some previously mentioned definitions. However the fundamental question we must first ask for this working definition is what is to be prevented? There are notably two objectives of short-term preventive diplomacy: to prevent severe disputes from emerging into violent circumstances, and to prevent the further escalation of violent conflict situations if they have already taken place. The prevention of conflict escalation must especially take into consideration the means by which armed confrontations are intensified. The prevention of the emergence of violence therefore places more emphasis on thwarting the intrinsic motive of violent intentions, or in other words, diminishing the functional value of violence. Upon acknowledging such an objective, it is now appropriate to address the question of methodology. In considering the various definitions of preventive diplomacy and after distinguishing between short-term and long-term policies from such definitions, it is possible to extract a common set of functions within the conflict management dimension. A closer look into the many interpretations of short-term preventive diplomacy reveals certain activities which can be classified into four main areas: early-warning, diplomatic good offices, confidence-building and as a last resort, the limited use of military or civilian units in the act of preventive deployment. Preventive diplomacy therefore seeks to identify the vital signs preceding violence, bringing about an awareness of a violence-prone situation so as to seek the measures to avoid or control it, enhancing the available exercises associated with confidence-building (especially those connected with crisis prevention) and the use of diplomatic good offices, and only if necessary, establishing a presence between disputants through the use of military or civilian units in order to stabilise the domain of violent confrontation. There is no systematic approach or rigid step-by-step methodology to preventive diplomacy. For example some confidence-building measures could already be a continuing process, as could certain aspects of fact-finding operations. In some cases where violence has already broken-out, preventive deployment may be needed before confidence-building measures are negotiated and initiated. In other cases, fact-finding may be needed as a foundation for confidence-building or vice-versa.

Importantly though, the question of speed appears to be a constant factor for the functioning of all aspects of preventive diplomacy. From fact-finding to

preventive deployment it has been constantly articulated that the ability to act decisively and within a limited period of time predetermines the success of preventive diplomacy. In the many cases of international conflict we have observed in recent years, the absence of a timely reaction has been a regular precursor to the emergence and escalation of violent confrontations. Not only can this be seen in the more highly visible cases such as Bosnia or Rwanda, but also in smaller incidents such as the continuing clashes at many contested borders world-wide. The contemporary era of highly advanced telecommunications can be viewed as an advantage for fact-finding objectives. Already decision-makers make it a habit to rely on CNN or the BBC for information indicating forthcoming violence. But the fact remains that decisions to undertake other preventive actions, such as early-warning and preventive deployment, ultimately rests on the processes and capabilities of political organisations which cannot match the speed by which international events take place. The point is that as policy makers keenly profess their belief in and preferences for preventive diplomacy, so should they begin to attach a considerable value to speed as perhaps a fundamental prerequisite for successful operations.

Summary

So far the investigations into preventive diplomacy introduced in this chapter have revealed that it is a concept which has been largely tempered by the experiences of the United Nations, the principal organisation charged with the responsibility of maintaining international peace and security. However since the end of the Cold War, the highly visible episodes of inter-state and intra-state violence (often involving humanitarian crises), and the apparent lack of the United Nations efforts to prevent such violence, has brought to mind the need to develop more effective methodologies of preventive diplomacy. As a result there has been a surge in the analysis of preventive diplomacy, culminating in a plethora of definitions that vary in scope, meaning and purpose. The general assumption has been that preventive diplomacy is any diplomatic action that has

the potential to manage and resolve conflict within the international system. This ambitious and ambiguous interpretation makes it difficult to distinguish the term from normal diplomacy and prevents further analysis of the concept in greater depth.

The critical point is that there is a fundamental need to acknowledge two levels of preventive diplomacy, one that is short-term which seeks to control violent confrontations, and one that is long-term which attempts to develop cooperative relationships between entities so that conflict forgoes its functional value. Given this, a working definition of preventive diplomacy stipulated for this study is as follows. Preventive diplomacy is defined here as specific mechanisms taken by a regional organisation, in a timely manner, to prevent the transformation of disputes (deriving from unmanageable political, ethnic, economic, and social tensions) into violent conflicts, or to prevent such violent conflicts from escalating if they have already begun. The specific mechanisms here refer to a series of activities that fall into the categories of early-warning, diplomatic good offices, confidence-building measures and only as a last resort, preventive deployment measures. Such preventive diplomacy measures are aimed at preventing violent conflict at the inter-state and intra-state level, in particular, situations that involve a humanitarian crisis. They are aimed at controlling violence and therefore may be more concerned with settling a dispute or avoiding military engagements, rather than the resolution of a conflict. Ideally, a larger framework of regional peace building, or perhaps a preventive diplomacy programme at the conflict resolution level (where eliminating the functional value of conflict is the main concern) should support preventive diplomacy measures at the short-term level.

The unceasing occurrence of violent conflicts within the international system, whether they be small skirmishes along shared borders or large-scale acts of genocide resulting from severe ethnic and nationalistic tensions, serves constantly to remind us that perhaps there are indeed major obstacles to preventive diplomacy. Let us not also forget the many challenges to the organisational capacity of the United Nations, especially when it comes to coordinating preventive action. It is true that in recent years, the practice of

preventive diplomacy has faced an uphill battle for credibility. As newer, more assertive re-definitions of the term appear, there are greater demands placed on the mechanisms of early-warning, good officing, confidence building and preventive deployment. Without question, the manner in which these activities can provide effective preventive action is a question that enjoys constant attention in international conflict management discourse. But in many ways the post Cold War international system has been the first true test of the practice of preventive diplomacy and so there should be a chance for it to develop and reform. So rather than discarding these measures, what we should seek to do is improve them through vigorous analysis. Armed with a stipulated definition as a reference point, it is thus possible for us to analyse some of the more practical aspects of short-term preventive diplomacy. This is the purpose of our next chapter.

CHAPTER THREE

Preventive Diplomacy: Some Aspects of Thwarting the Emergence and Escalation of Violent Conflict

Introduction

The argument that the end of Cold War has ushered in a prime opportunity for an increasingly co-operative international system has been a precursor to many proposals suggesting the use of more pro-active approaches for the management of international security.¹ Among these, calls for more dynamic conflict resolution and peace building methodologies have gained in strength, as have those for the improvement of conflict prevention mechanisms. Although in recent years, advances in global telecommunications have allowed our societies to observe a series of international conflicts that have proved severely difficult to manage, it would be erroneous to suggest that the verve of the international community in trying to develop peaceful solutions to violent confrontations has significantly wavered. The post Cold War era has certainly seen a resurgence of nationalistic and ethnic tensions that have developed into violence and humanitarian crises, but so has it been witness to increasing international co-operation on a variety of fields including the provision of humanitarian assistance in such crises, participation in a multilateral regime of collective security against a territorial aggressor², not to mention a handful of

¹ To this extent, Michael Lund has argued that several post-Cold War trends suggest that deliberate efforts to avert conflicts are more widely supported and frequently made because of a generally more propitious international climate. In this case more timely rather than belated mediations and interventions have shown themselves to be more advisable and cost-effective (given the possibility of numerous future threats to peace), and more politically attractive - this in light of global and domestic constraints on military and economic policies and the lack of popular support for military action in distant countries.

² This is in reference to the United Nations coalition against Iraq's invasion of Kuwait in 1991.

successful though perhaps undervalued episodes of peace-keeping and preventive deployment.³ Of course the debate generated by international relations policy makers and observers has not only been limited to calling for more advanced methodologies of international conflict management. There has been a congruent tendency to engage in discourse on the division of labour in the very activities associated with the task of maintaining international peace and security. In other words it is not only how international conflicts should be managed which is at issue, it is also the question of by whom?

It would be over simplistic however, to argue that the United Nations' position as the central organisation charged with the responsibility of maintaining international peace and security has abated. Nevertheless, given the demanding nature of contemporary international security management, the notion that the world organisation will need to rely on assistance from inter-governmental regional organisations must be recognised. Although it has been suggested that regional organisations have always been envisaged as playing a supporting role to the United Nations on international security issues, it would also be fair to say that their ability to do so was relatively constrained given the implications of the Cold War.⁴ Given this, a number of international relations scholars and practitioners have argued that perhaps now in a less restricted international system, regional organisations could participate in this endeavour more effectively. For instance in The Stockholm Initiative for Global Security and Governance of 1990, a declaration was made for action to build a new system of peace and security on both a global and regional scale. The ensuing report, entitled *Common Responsibility for the 1990s*, suggested that the past actions of big powers had constrained the possibility of other countries to develop their own

³ These include peace-keeping operations in El Salvador, Namibia and Cambodia as well as preventive deployment operations as in the cases of Macedonia and Albania.

⁴ In Chapter VIII, Article 53 of the United Nations Charter, it is stated that "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". The Charter then goes on to stress more precisely that "members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of disputes through such regional arrangements or by such agencies before referring them to the Security Council", while the Security Council, "shall encourage the development of pacific settlement of disputes through such regional arrangements or agencies either on the

regional security arrangements. Freed of these Cold War restrictions, the report then urged all countries to make use of the new opportunities to build regional security arrangements.⁵ Furthermore there is the widely recognised *An Agenda for Peace* report which acknowledges that regional organisations in the past, might have been prevented by the Cold War from realising their full possibilities for co-operation with the world organisation. Although not specifying any pattern of division of labour, Dr. Boutros-Ghali goes on to suggest that regional organisations now have a potential that should be utilised in preventive diplomacy, peace-keeping, peace-making and post-conflict peace-building. Here, it is suggested that regional action, as a matter of decentralisation, delegation and co-operation with UN efforts, could not only lighten the burden on the world organisation, but also could contribute to a deeper sense of participation, consensus, and democratisation in international affairs.

So far, our discussions have referred to two key themes concerning international security management in the post-Cold War era. First, the end of the Cold War has created an opportunity for alternative and newer approaches to conflict management to be utilised in the international system - of increasing popularity among these being preventive diplomacy. Second, in such a new international political and security environment, regional organisations could have the possibility to take on a more active role in the development of a working system of international security. The fundamental question is therefore, can there be a marriage of these two conceptual propositions? With high expectations being constantly placed on regional organisations to reinvent their role within the United Nations' framework for peace and security, it is equally important to examine the specific ways and means by which such agencies can achieve this role. In other words, if a regional organisation is urged to play a larger role in international conflict management, we must then try to identify the appropriate methodologies for it to answer this call. We must therefore investigate how well preventive diplomacy can work for a regional organisation in controlling inter-state and intra-state violence.

initiative of the states concerned or by reference from the Security Council".

⁵ The Stockholm Initiative on Global Security and Governance, *Common Responsibility in the 1990s*, The Prime Ministers Office, Stockholm, 1991.

Before applying this notion to the regional organisation central to this study (the Association of South East Asian Nations or ASEAN), the first purpose of this chapter is to provide a brief sampling of the practice of preventive diplomacy undertaken for the specific purpose of preventing the emergence and escalation of violent conflicts. The format for this analysis will be to explore the various forms of activities associated with preventive diplomacy, namely, early-warning, applying good offices, confidence-building, and preventive deployment. One of the key observations for this chapter is that the substance of preventive diplomacy is prompt and dependable action in order to thwart anticipated violence. But it is not a given that conflict prevention devices will automatically follow on after the identification of imminent violence has been made. It is important therefore, for policy makers and observers to understand that the functions of preventive diplomacy are practically worthless unless they are capable of being utilised in a timely manner.

As Michael Lund has pointed out, preventive diplomacy is different from peacetime diplomacy in that it hinges on the timing of its activation in relation to evolving conditions in a particular conflict. That is, preventive diplomacy operates between the stages of routine foreign policy and crisis diplomacy and focuses on events when there is high potential for regimes or peoples to take up arms or use other forms of coercion to address intensifying political disputes.⁶ These disputes may have their origins in political, socio-economic or military tensions but preventive diplomacy does not seek to approach such disputes by addressing their root causes. Instead the central concern is to implement policies and create processes to reduce tensions and to defuse the threat of armed confrontations. The emphasis on the ability to respond to an emerging conflict in such a timely manner however, indicates that preventive diplomacy depends considerably on well prepared plans of action. From this position, preventive diplomacy is by nature, a pro-active task. In the sense that it is 'progressively active' or continuous in trying to identify the potential for a dispute to turn violent (so that certain measures can be applied to thwart the use of force), it is

⁶ According to Lund, crisis diplomacy involves efforts to manage tensions and disputes that are so intense as to have reached the level of confrontation.

not a reactive or adhoc set of operations that are applied when violent conflict has already ripened.

Concomitantly, it is important not to forget the scope of preventive diplomacy, in particular, the notion that such an operation must consider addressing intra-state conflicts. However this presents a key challenge for several functions of preventive diplomacy. For instance it cannot be assumed that a sovereign state will readily accept fact-finding missions in an internal dispute, nor can it be assumed that it will give long-standing consent to the use of a preventive deployment unit within its territories. Furthermore, we cannot conclude that confidence-building measures, especially those involving military constraint mechanisms, can generally be applied to intra-state conflicts. With these observations, it is important to acknowledge that for intergovernmental organisations (with commitment to conflict management), having a preventive diplomacy machinery ultimately requires active early warning mechanisms that work at the interstate and intra-state level, well prepared facilities for providing 'good offices' at such levels, the ability to marshal confidence-building measures (in particular those that focus on military restraint), and the ability to contribute and participate in well trained and ready preventive deployment units. Perhaps the key argument that can be made in view of this is that it cannot be assumed that intergovernmental organisations will be readily able to take on such challenging activities. Preventive diplomacy is a relatively specific activity in that it seeks to thwart imminent violence, or the escalation of further violence through particular methodologies. For this it requires clearly defined goals, resources and above all, the political commitment to do so.

I. Early-Warning and Conflict Awareness

A significant portion of preventive diplomacy activity deals with early-warning, or the collection and utilisation of information that can provide a timely

alert to potential conflicts.⁷ Being aware of a potential conflict involves analysing tensions deriving from political, economic or social backgrounds and how they originate and gain momentum so that violence is imminent. Furthermore, research into the means by which violence is achieved is critical, and this may involve observation into armament supplies, troop movements, overall military capability, fuel and logistical support movement and even source of arms procurement funding. The rapidly advancing global telecommunications and media industries can provide us with vital information on such factors, as can specific organisations that may have a field work advantage in observing them such as the International Red Cross, the United Nations Commissioner for Refugees, or non-governmental research institutions such as International Alert. Of course foreign policy offices and academic institutions have an important role to play in this field of conflict awareness. In recent years, the growth in the study of early-warning has produced a substantial literature on how to conduct the activities of information analysis more accurately and expeditiously. This trend has seen a number of scholars making significant proposals for more systematic processes of data collecting and management.

Michael Lund, for example has argued that early-warning is not just a matter of forecasting the timing and direction of future events, but rather a matter of gauging whether the relative probability of a course of events (leading within a certain period to significant violence or other crises) is sufficient to justify early attention.⁸ Therefore it is important to be aware of some of the potential difficulties of this task, mainly that there will be gaps between obtaining information and actually interpreting it correctly. The general increase in availability of data concerning potential conflicts does not necessarily mean a greater possibility for regular and accurate analysis of such information. Lund makes reference to the notion that there may be increasing difficulties with the detection of potential conflicts, given that the sources of emerging instabilities are widely dispersed and that the processes of collecting and analysing information are just as likely to be numerous and scattered. The suggestion that

⁷ Shelton, G., 'Preventive Diplomacy and Peace-Keeping: Keys for Success' in *African Security Review*, Vol. 6, No. 5, 1997.

Lund makes is that systematic assessments of the chances of dispute escalation can provide a solid basis for policy decisions regarding possible preventive action. This point is also advocated by Gordenker, who has further suggested that the focus of early-warning should be redirected to producing a humanitarian response to anticipated crises. In this case early-warning would involve the use of information to evoke contingency planning by those organisations who have the capacity to provide or co-ordinate humanitarian assistance to a situation such as a mass exodus of refugees. Gordenker then recommends the use of systematic methodologies of data collection to take note of some indicators such as political, racial or religious persecutions a basis for the act of early-warning.⁹

Other scholars have put emphasis on how expediency in the function of early-warning requires a definitive framework of analysis, in particular, a set of indicators which need to be considered so as to detect signs of potential violence. The assumption here is that the ability to detect or recognise signs of a potentially violent conflict in an expeditious and precise manner is helped by the identification of certain causal factors of violent confrontations. The availability of such a model of indicators to those observing a particular conflict situation therefore serves as a fundamental prerequisite for early-warning and preventive action. For instance Helen Feiss, has suggested the use of the Life Integrity Violation Analysis Form to identify states that have a pattern of human rights violations with the potential for escalation to mass murder and genocide.¹⁰ In this case, Feiss has argued that such states (who regularly violate the three basic principles of the right to life, the right to be free from bodily violation and the right to be secure from arbitrary punishment) usually possess a number of distinguishable traits such as a revolutionary or authoritarian regime, a history of ethnic persecution, challenges to the legitimacy of ethnic or class domination, and policies which often lead to the dislocations of certain peoples. A similar point is made by Susanne Schmeidl and Craig Jenkins who have formulated a set

⁸ Lund, M., *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, United States Institute for Peace Press, Washington D.C, 1997, p.108

⁹ Gordenker, L., 'Early Warning: Conceptual and Practical Issues' in K. Rupesinghe and M. Kuroda (eds.), *Early Warning and Conflict Resolution*, Macmillan Press, London, 1992, pp.3-5

¹⁰ Feiss, H., 'Dangerous States and Endangered Peoples: Implications of Life Integrity Violation Analysis' in K. Rupesinghe and M. Kuroda (eds.), *Early Warning and Conflict*

of indicators based on forced displacement and the causal factors of forced migration.¹¹

Research into the use of specific indicators for early-warning against violence has led to a number of scholars advocating a variety of models, which although they may overlap on some issues, emphasise different points. Jurgen Dedring, for example, has proposed the idea of comprehensive early-warning – a combination of a systematic process of fact-finding along with analysis based on an historical, socio-economic, and socio-political indicators for the task of capturing the key dimensions of social disturbances and conflicts.¹² The point made here is that because violent conflicts internal to a state are more frequent yet more difficult to monitor and analyse¹³, it is particularly important to be aware of the factors that give rise to social tensions and confrontations, and these may include the enforcement of unjust rules, severe division of national groups, discrimination against minorities and the displacement of the elite.¹⁴ We must then consider the important work by Ted Gurr who suggests a Risk Assessment Model to detect signs of ethnopolitical conflict.¹⁵ In this case Gurr suggests that the likelihood for a politically active ethnic group to initiate violent rebellion against a state is dependant on three conditions, namely, collective incentives, the

Resolution, Macmillan Press, London, 1992, p.40

¹¹ Schmeidl, S., and C.Jenkins., 'Early Warning Indicators of Forced Migration' in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, Rowman & Littlefield, Oxford, 1998, p. 56

¹² Dedring, J., 'Socio-Political Indicators for Early Warning Purposes', in K.Rupesinghe and M. Kuroda (eds.), *Early Warning and Conflict Resolution*, Macmillan Press, London, 1992, p.211

¹³ In a study by Wallensteen and Sollenberg, 91 of the 96 conflicts which occurred since the end of the Cold War were within a state. See Wallensteen, P., and M. Sollenberg, 'The End of International War? Armed Conflict, 1989-95', in *Journal of Peace Research*, Vol. 2, No. 32, 1996.

¹⁴ Dedring has also suggested that the ability to monitor potential conflict within a state must allow for a number of obstacles in fact-finding. Given that early warning in this situation may involve retrieving information concerning the host government, it is possible that access to relevant data pertaining to the treatment of minorities, for example is restricted or distorted. Dedring then emphasises that the key is to have a system that allows for the collection and processing of extensive data needed to make reliable and timely reports.

¹⁵ Gurr, T.R., 'A Risk Assessment Model of Ethnopolitical Conflict', in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, Rowman & Littlefield, Oxford, 1998, p.15

capability for joint action, and the opportunity for joint action.¹⁶ What then is needed is a set of indicators for recognising each of the previously mentioned conditions and these range from a loss of collective autonomy and active political (or economic and cultural) discrimination, the existence of militant parties, the probability of major and abrupt regime changes, and whether there is external support for a communal rebellion.¹⁷

Another important suggestion has been posited by Barbara Harff, advocating a sequential model for detecting an imminent humanitarian crisis or situations of gross human rights violations. With the notion that it is essential to identify the factors that move a conflict along a predictable path (or in other words which factors at which stage of crisis development lead to escalation or de-escalation) Harff then suggests the categorisation of certain indicators as 'triggers' or 'accelerators' of a conflict.¹⁸ To explain the difference between the two in terms of a conflict situation, Harff makes reference to the analogy of how 'triggers' are the equivalent to a match thrown on to a combustible pile, while 'accelerators' can be seen as the petrol poured on the pile to make it combustible. 'Triggers' are more difficult to identify as they are single events (such as violent coups) that precipitate the final stages of a crisis. The main point then is to note how the occurrence of particular accelerators can worsen a conflict situation - most common of these being international involvement in a conflict (such as international support for a targeted group), and the occurrence of violent opposition by kindred groups in neighbouring countries.¹⁹

From another perspective, Gregg Beyer has asserted that there is a need to develop an international agency to co-ordinate information already retrieved from humanitarian agencies in the field.²⁰ The key point made by Beyer, based

¹⁶ *ibid.*, p.17

¹⁷ For more detail on Gurr's Risk Assessment Model, refer to 'A Risk Assessment Model of Ethnopolitical Conflict', in *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, Rowman & Littlefield, Oxford, 1998, p.15 -26

¹⁸ Harff, B., 'Early Warning of Humanitarian Crises: Sequential Models and the Role of Accelerators' in, J.L. Davies and T.R. Gurr (eds.) *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems*, Rowman & Littlefield, Oxford, 1998, p.70

¹⁹ *Ibid.*, p.76

²⁰ Beyer, G., 'Human Rights Monitoring: Lessons Learnt From the Case of the Issaks in Somalia' in K. Rupesinghe and M. Kuroda (eds.), *Early Warning and Conflict Resolution*,

on his study of early-warning failure in the 1988 Somali civil war, is that there needs to be an international standard for collecting and retrieving information so as to allow for co-ordination between agencies who can not only prepare for humanitarian assistance, but also bring the worsening situation to the attention of the international community. Beyer recalls how in the case of Somalia, long standing ethnic and economic tensions were reported as early as six years (1982) before the actual outbreak of civil war (1988), yet ensuing reports on human rights violations were episodic, incidental and usually fragmented. The fact that international agencies in the field at the time did not have a clear idea of how to monitor or report human rights abuses, and that they did not prefer to make such reports (given their need to maintain good relations with the host nation) also contributed to the neglect of early-warning. With the observation that early-warning primarily involves making predictions and preparations based on early identification of human rights abuses (or indeed the causes of any emerging human rights problems), Beyer then recommends the establishment of a co-ordinating office for collecting and disseminating information to concerned agencies and policy makers.

However in certain situations, learning about a potential conflict may call for the dispatching of an analytical unit to the actual location of the dispute. This act of retrieving information on the opportunity and motives to engage in violent confrontations is commonly referred to as fact-finding. The process of fact-finding could involve a number of measures, as long as they provide a sufficient information flow. This is dependent upon several factors, such as whether there exists an actually appropriate party to 'fact-find' (who does it), and how quickly and without sacrificing the quality of information, it can be done. Fact-finding should be undertaken by qualified observers, those who are technically capable (specialists), politically aware, and accepted by disputing parties to enter local territories. Fact-finding can also employ several techniques such as formal or systematic institutions (senior official meetings, regional organisation reports, observer missions), appropriate intelligence gathering (avoiding cloak and dagger operations), contacts with the media or simply informal personal

consultations. The important point is that undistorted information is gathered and received, and that the information be of relevance to suggest preventive action. However and most importantly, what the history behind fact-finding and observation has taught us is that without political will, such information no matter how revealing, will prove value-neutral.²¹ In essence fact-finding, to be effective, requires not only a clear approach to what is gathered and how it is gathered, but also a compelling determination to utilise such information for early-warning and subsequent preventive action.

There have been a number of practices associated with the functions of fact-finding and some of the more well known examples include the use of observation missions, special representatives, or commissions of enquiry. Observation missions and special envoys, employed by intergovernmental organisations within the short-term diplomacy dimension, can serve a number of purposes. These range from monitoring a particular dispute which has the potential to escalate into violence so as to recommend the most appropriate preventive mechanisms (such as the use of good offices or confidence-building measures), or even monitoring a cease fire in the event that preliminary violence has already broken out. The key factor however, is timing. In the event of an emerging dispute, observation or fact-finding missions will not only have to be deployed quickly, they will also have to be well trained in order to know what to monitor and how to monitor it. This is where the notions of an international standard of monitoring and systematic data processing are seen as vital. Of course the composition of observation missions or special representative missions can take on particular forms, depending on the nature of the specific conflict. For example observation missions may comprise of senior diplomats, military personnel (particularly to provide safety), civilians with specialised knowledge (such as chemical weapons experts), or representatives from academic and research institutions. The point is to have qualified personnel operating in the field and this must also take into consideration whether the

²¹ For further review of the importance of political support for early warning operations see Suhrke, A., and B.Jones., 'Preventive Diplomacy in Rwanda: Failure to Act or Failure of Actions?' , in B.W., Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000

parties to a conflict accept the members of such an observation mission as an independent third party.²² So far the use of observation missions and special representatives has been undertaken by several intergovernmental organisations, each of course having their own methodologies and their own levels of success. The Organisation for African Unity (OAU) and the Organisation for Security and Cooperation in Europe (OSCE) for instance, have all made use of observation missions or special representatives in reaction to looming conflict situations.²³

In this case, we should also take note of the fact that both the OAU and the OSCE have developed specific administrative bodies for managing their fact-finding and observation operations. For example, the OAU has its own conflict management division, the Mechanism for Conflict Prevention, Management and Resolution (established in 1993), for the specific purposes of anticipating and preventing conflicts (as a primary objective), mounting and deploying civilian and military missions of fact-finding, as well as those for observation and monitoring.²⁴ Along with this the OAU has the Conflict Management Division (within the secretariat) to oversee the development of an early-warning system based on a network of Africa-based governmental and non-governmental institutions.²⁵ In the case of the OSCE, there are three key offices which handle fact-finding operations, namely the High Commissioner on National Minorities, the Chairman-in-Office (CIO), and the Office for Democratic Institutions and Human Rights. The CIO is the foreign minister of the state holding the one-year

²² Along with the necessary skills for monitoring a particular conflict, consideration for involvement in an observation team could depend on an individual's ethnic or religious character in light of nature of the dispute at hand.

²³ In the Rwandan civil war (1993-1994), the OAU utilised a series of observation teams in support of the Arusha Accords – an arrangement for cease fire which was to be followed by a power sharing plan among the conflicting parties. To monitor the observance of such accords and check for signs of instability, the OAU (in conjunction with the UN) dispatched an observation force, the Neutral Military Observer Group (NMOG). Although at first this operation was able to maintain some degree of stability, it was unable to detect the activities of the Hutu authorities who were planning for widespread violence. In a later conflict in Burundi, the OAU also responded to the indication of emerging violence by organising and dispatching its own Military Observer Mission (OMIB). However, this mission was also unable to bring sufficient attention and response to the escalating violence.

²⁴ de Coning, C., *The Role of The OAU in Conflict Management in Africa*, Monograph NO.10, Conflict Management, *Peacekeeping and Peacebuilding*, April 1997,p.4

²⁵ Peck, C., *The Role of the UN and Regional Organisations in Preventing Conflict*, Rowan & Littlefield, New York, 1998,p.166

term chairmanship of the OSCE and has the prime responsibility of translating corporate political and security dialogue into action. For this task he may employ a personal representative or an ad-hoc steering committee to carry out fact-finding operations.²⁶ Yet it has been argued that the High Commissioner is the OSCE's most powerful instrument for preventive diplomacy.²⁷ As he is charged exclusively with conflict prevention, the High Commissioner is responsible for carrying out fact finding missions and issuing early-warning notices to the Permanent Council before asking the council for authorisation of conflict prevention measures.²⁸ To compliment both these offices, the ODIHR has the responsibility for alerting the political organs of the OSCE when problems arise in the area of human rights violations.

But regardless of whether an international organisation has chosen to establish a specific division to handle such fact-finding missions, it is also important to consider how such entities have approached the issue of sovereignty when attempting certain preventive diplomacy operations, especially when considering that the majority of violent conflicts in the international system since the end of the Cold War have been those of an internal dimension. According to the United Nations Charter, intervention into the internal affairs of a sovereign state by the international community is possible only if the Security Council has considered such a case to be a threat to peace, a breach of peace or an act of aggression.²⁹ The problem here is that many conflict techniques are worthwhile before the actual outbreak of violence, in most cases before the matter is brought to the Security Council agenda. The particular question raised here is how can

²⁶ The use of personal envoys by the CIO has made been on a number of occasions, such as the special representative to Moscow who in 1996 was able to persuade Russian authorities to allow an OSCE mission presence in Chechnya.

²⁷ Peck, C., *op cit.*, p.123

²⁸ However it is important to note how the current High Commissioner, Max van der Stoel (the only person to hold the office to date) has yet to make an official early warning notice, opting instead to participate in more constructive roles such as informal fact-finding, promoting dialogue among disputing parties, conducting on-site visits, and generally providing conflict prevention advice on how to de-escalate tensions. For a more detail analysis on some of the accomplishments of the current High Commissioner, see Peck, C., *The Role of the UN and Regional Organisations in Preventing Conflict*, Rowan & Littlefield, New York, 1998pp.123-126.

²⁹ In Chapter VII of the United Nations Charter, Articles 39 to 42 elaborate on the role of the Security Council in determining action by the international community to handle threats to international peace and security.

the activities of fact-finding be applied by an intergovernmental organisation in the case of a domestic dispute?

A course of action taken by many international organisations is to gain consent from the parties involved in a conflict before implementing certain conflict prevention activities at the intra-state level.³⁰ In this case it has been acknowledged by the United Nations' Under Secretary-General of the Department of Political Affairs that there are several forms of action "that can have a useful preventive effect, such as preventive deployment; preventive disarmament; preventive humanitarian action; and preventive peace-building, which can involve, with the consent of the Government or Governments concerned, a wide range of actions in the fields of good governance, human rights and economic and social development."³¹ However it is important to be wary of the notion that securing consent is often complicated for cases involving internal conflicts. As such, several organisations have taken the initiative to establish their own political provisions in order to legitimise institutional action in the event of an emerging intra-state conflict. For example in 1991 the Organisation of American States (OAS) passed a resolution (Resolution 1080) which charged the Secretary-General of that organisation with the responsibility of calling for a meeting of the Permanent Council in the event of any disturbances to the democratic political institutional processes (or to the legitimate exercise of power by the democratically elected government) in any of the Organisation's member states. In this way Resolution 1080 gives the OAS the responsibility to bring prompt and collective attention to any emerging situation which threatens regional peace and security, and therefore arms the OAS with a permanent mechanism for instigating conflict prevention operations region-wide.³² Resolution 1080 therefore serves as the OAS's official early-

³⁰ Martensson-Bjorkdahl, A., *Reconceptualising Preventive Deployment – Lessons from the Macedonian Case*, Paper presented at the Third Pan-European Conference of the ECPR, Vienna, September 1998.

³¹ This statement was taken from the United Nations' homepage at website: www.un.org/Depts/dpa/docs/peacemak.htm

³² Along with this, the OAS has taken the initiative to adopt a number of resolutions to directly address some specific cases of regional tension. Examples include Resolution 642/95 which followed on from a request by the representative of Ecuador to convene a meeting of foreign ministers for consultation on the conflict over the Ecuadorian-Peruvian border, and Resolution 70/97 which sought to officially condemn violence against the electoral process in Columbia and support the efforts of the government of

warning procedure and by the same token provides a legitimate channel for the OAS to circumvent Article 15 of the organisation's charter on non-intervention. Similarly in the case of the OAU, a number of provisions have also been made for addressing intra-state disputes. This has included a reinterpretation of Article 3(2) on non-intervention, and the creation of specific intervention functions for the office of the Secretary-General of the OAU. The creation of such provisions are reflective of the argument that the OAU could have played a greater role in preventing a number of previous regional conflicts had not such a firm commitment to Article 3 existed. Observers such as M.Mwagiru have made the point that Article 3 of the OAU Charter (which focuses on the sovereign equality of all member states, non-interference in the internal affairs of other states and the territorial integrity of the member states) was central to the organisation's conflict management techniques for many years. As such the non-interference principle informed the others and served as the basis on which OAU conflict management approaches were justified. Because of this the strict adherence to this principle had limited the ability of the organisation to take action of any consequence with regards to preventing violence within the region (even though the internationalisation of certain conflicts rendered the dichotomy between inter-state and intra-state conflict nugatory).³³

As a final point, we should see how considering the utility of early-warning invites the question, early-warning to whom? It is important that early-warning be made to those who have the ability and intent to take preventive action. Early-warning should also be made to agencies concerned with the alleviation of human suffering (in the advent of a humanitarian crisis), to the parties involved in the dispute (though this must be done in a way that does not give strategic advantage to either one), and to international organisations or other related agencies who could provide recommendations that are sensitive to local political or diplomatic practices, or even processes well-known to disputing parties for avoiding violence. In some cases early-warning gestures have been put through rather formal or public fora, the purpose being to prompt widespread

Columbia for dialogue and negotiation.

assistance or to generate international sentiment condemning violent confrontation. But it must also be considered that early-warning in a public manner could prove counter-productive to preventive action. In some cases outright early-warning may instigate unnecessary intervention that will complicate preventive action, or even contribute to an antagonistic political climate which will further alienate disputing parties from conciliation. It may be that an informal approach to early-warning or 'quiet diplomacy' will prove more effective in achieving agreement. The key point is that those who have the capacity to make notifications over forthcoming violence do so expeditiously in view of the preparations needed to undertake preventive action.

But it has often been suggested by scholars such as Jentleson that when early warnings (or preventive diplomacy methodologies in general) are not effective, it is usually because of a lack of political will.³⁴ That is, regardless of the provision of substantial information on a looming conflict, conflict prevention measures are either not forthcoming or too late. However it would be too simplistic to accept this notion without considering some specific reasons why early warning exercises have not been able to encourage adequate responses to a potential conflict situation. Increasingly available studies on the failures and successes of preventive diplomacy mechanisms are crucial to providing us with key lessons on this operation. For instance it has been suggested by Schrodtt and Gerner that in some cases, intelligence agencies will attempt to limit access to particular information concerning a dispute, while in other cases early warning gestures may be ignored because they conflict with the policies of a certain state.³⁵ We must also be aware of the possibility that in some cases, the

³³ Mwagiru, M., 'Who will bell the cat? Article 3(2) of the OAU Charter and the Crisis of OAU Conflict Management', Institute of Diplomacy and International Studies, University of Nairobi, Kenya, 1995,p.3

³⁴ Jentleson, B.W., 'Preventive Diplomacy: Analytical Conclusions and Policy Lessons' in, B. Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000,p.347

³⁵ Schrodtt, P.A., and D.J. Gerner, *The Impact of Early Warning on Institutional Response to Complex Humanitarian Crises*, Paper presented at the Third Pan-European International Relations Conference and Joint Meeting with the International Studies Association, Vienna, September 1998. To this argument, Schrodtt and Gerner have cited the example of Kosovo to highlight how the international community did not take adequate preventive action despite years of warning from analysts of a risk of ethnic conflict.

information obtained on a potential conflict may not be used correctly. Alexander George has referred to this as the warning-response gap, or a situation when the warning is there, but either explicit decisions are made not to act or that decisions are not being made at all due to cognitive, bureaucratic or political factors.³⁶ For instance it has been suggested that policy makers often do not take early warning signs seriously, especially on situations that pose the possibility of severe ethnic and religious conflicts, humanitarian disasters, or gross human rights violations.³⁷ In other cases, despite adequate information on a situation, policy makers may not be inclined to credit the warning and take preventive action because they have too often been subjected to the 'cry wolf' phenomenon.³⁸ It may even be that once aware of the signs of conflict, they may be reluctant to take action because they are deterred by the prospects of a 'slippery slope' or a potentially intractable course of action in a complex and escalating problem.

A study into several recent episodes of violent conflict in the international system would reveal that there have indeed been many missed opportunities. The fact is that in most conflict situations, humanitarian crises, cases of severe human rights abuses, acute ethnic or religious tension, sufficient early warning is available.³⁹ As Menkhaus and Ortmyer have suggested in the case of Somalia, in spite of ample evidence of looming conflict, diplomatic interventions were not developed to defuse or contain that violence at several key junctures.⁴⁰ (This was not helped by several misconceived responses by the international community that eventually came to have the effect of triggering further violence.) A similar point has been made by Susan Woodward on the conflict in Croatia, Bosnia and Herzegovina, and how a number of actions, taken after warning and in the name of prevention, eventually backfired and caused further escalation of the conflict.

³⁶ Jentleson, B.W., *op cit.*, p. 12

³⁷ George, A., and J.E. Holl., 'The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy', in B.W., Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000, p.29

³⁸ *Ibid.*, p. 29

³⁹ George, A.L., 'Strategies for Preventive Diplomacy and Conflict Resolution', in *Cooperation and Conflict*, Vol.34, No.1, 1999

⁴⁰ Menkhaus, K., and L. Ortmyer, 'Somalia: Misread Crisis and Missed Opportunities', in B.W., Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000, p.212

The undeniable point made by Woodward is that in the case of the former Yugoslavia, there was not sufficient political motivation by the international communities to take early action regardless of ample evidence.⁴¹ It is important to mention how Saadia Touval has explained this further by arguing that the main problem was that the international community did not have a clear objective of whether to thwart escalating ethnic tensions or to focus on the long-term goal of democratisation.⁴²

The supposition made by many observers reveals that in the cases of Rwanda, Somalia, Congo, Chechnya, and the Baltic states, there was sufficient information to indicate a spiralling conflict situation.⁴³ The obvious observation that can be made here is that early warning operations are value neutral unless they are able to induce a prompt response. But, as we must acknowledge, the political initiative actually to respond to looming conflict is relatively uncertain. There are many circumstances which surround the political considerations for taking conflict preventive action, and of course they depend on the specific nature of conflicts in each case. We cannot generalise as to the reasons why political support to prevent violence is deficient, misguided or belated. However the fact that there was not enough political determination to initiate preventive action in such well-known cases mentioned above should not discourage us from seeking better ways to reveal and predict looming conflict situations. True, early warning activities do not guarantee subsequent use of conflict prevention tools, but without them, the ability of the international community to intervene in humanitarian crises is greatly diminished. Moreover it is important to acknowledge how early warning operations serve as an important precursor to the effectiveness of the remaining functions of preventive diplomacy. For this it is an activity that warrants continued research and participation. What cannot be

⁴¹ Woodward, S., 'Costly Disinterest: Missed Opportunities for Preventive Diplomacy in Croatia and Bosnia and Herzegovina, 1985-1991' in, B.W., Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000, p.134

⁴² Touval, S., 'Lessons of Preventive Diplomacy in Yugoslavia', in Crocker, C. and F. Olser Hampson (eds.) *Managing Global Chaos: Sources and Responses to Global Conflict*, United States Institute for Peace, Washington D.C, 1997, p.415

⁴³ Jentleson, B.W., *op cit.*, pp.324-325

denied is that as preventive diplomacy is premised on timely action, knowing about conflicts before they break will always remain a priority. Subsequently the ability to convert such warnings into immediate conflict prevention action depends considerably on the use of diplomatic good offices.

II. The Role of Diplomatic Good Offices

The use of diplomatic good offices is often seen as an underrated activity of preventive diplomacy, especially when they are performed behind closed doors or out of the public eye. They are broadly defined as diplomatic initiatives put into action especially in times of a looming crisis or an imminent violent confrontation. A more specific perception of good offices would be to consider them as diplomatic activity undertaken by a particular entity that possesses a unique political position or quality of being able to work with and be accepted by the parties involved in a dispute, as a genuine participant of a conflict management process. Good offices have known to take a number of forms such as goodwill missions, peace commissions, or special envoys. They are usually performed by an entity, itself not involved in the dispute (such as a accepted third party individual, state or an international or regional organisation), and have the crucial objective to stimulate the process of conflict settlement. For this, good offices attempt either mediation, conciliation, or even arbitration so as to avoid or put an end to violent confrontations.

Intergovernmental organisations charged with an explicit peace and security mandate have the responsibility to provide a series of diplomatic measures such as negotiation channels, a forum for quiet diplomacy or other related negotiation facilities, in order to prevent the use of force between member states or to contain a violent confrontation which has already begun. In some cases states involved in an intensifying dispute may not call upon a regional organisation to provide such good offices, as it may be seen as an encroachment on national sovereignty (especially on territorial issues). The important point is

that within the confines of our stipulated definition of preventive diplomacy, good offices operate only within the domain of diplomacy and do not pre-impose any intervention measures. Although they are not automatically put into action in times of imminent crisis, the ability of an intergovernmental organisation to have them readily available is vital.

Much has been written on techniques of mediation, arbitration and negotiation in conflict prevention.⁴⁴ Although it would be inappropriate for us to review the numerous processes linked to such activities at this juncture, it is nevertheless important to consider several key points as they relate to the practice of preventive diplomacy. For instance in the case of mediation it is important to remember that no one formula or methodology will fit all circumstances, given that every conflict situation differs.⁴⁵ It would be fair to say that the complex nature of conflict situations stipulates that a considerable degree of flexibility must be given to those who devise and participate in mediation efforts. However within the realm of preventive diplomacy, the chief objective of mediation should be relatively clear. When signs of emerging conflict are evident, mediation aims to prevent the disputing parties from engaging in violent confrontation. When conflict has already broken out, mediation then entails bringing disputing parties to cease hostilities so that a process of conflict settlement, acceptable to all sides, can develop.⁴⁶ However as scholars such as Zartman and Touval have mentioned, though a cease-fire is likely to ease the pain and create a tolerable stalemate between the disputing parties, mediators must also acknowledge that cease-fires could also be short-lived since the motivation for conflict remains.⁴⁷ In general mediation efforts should be able to engender an awareness for a non-violent alternative to the conflict among the disputing parties. We must also be aware of how mediation efforts will

⁴⁴ For valuable analysis on negotiation and mediation techniques, see Bercovitch, J., (ed.), *Resolving International Conflict: The Theory and Practice of Mediation*, Lynne Rienner Publishers, London, 1996. See also Zartman I.W and J.L Rassmussen (eds.), *Peace-making in International Conflict: Methods and Techniques*, United States Institute for Peace Press, Washington D.C., 1997.

⁴⁵ Lund, M., *op cit.*, p. 131

⁴⁶ Zartman I.W., and S.Touval, 'International mediation in a Post Cold War Era' in, *Managing Global Chaos : Sources and Responses to Global Conflict*, United States Institute for Peace, Washington D.C, 1997,p.446

⁴⁷ *Ibid.*, p.459

undeniably need to focus considerably on providing channels of communication, given that imminent conflict will likely prevent disputing parties from dialogue. To this extent mediators may find themselves in a position to suggest formulas of conflict settlement, while emphasising the unattractiveness of continued confrontation.

Without question, the ability for mediation or arbitration efforts to function depends considerably on the character of those providing such good offices.⁴⁸ For this it is fundamental that those who offer to provide good offices be accepted by all the parties involved in the dispute. For this, a variety of factors may come into play, depending of course on the nature of the conflict at hand. In some cases it may take distinguished politicians or senior diplomatic officials, in others it may take well-known specialists, a prestigious research institution, elder statesmen or conversant academics. Furthermore, such good officers will also need to be proficient for the task, meaning that they should possess advanced skills for negotiation, or for keeping the disputing parties engaged in a process of communication.

However, whether such good officers form peace commissions, engage in shuttle diplomacy, introduce problem solving workshops or sponsor negotiations behind closed doors, promptness is the key factor to their performance. The implication here is that for the specific task of preventive diplomacy, good officers have to be prepared for conflicts at the inter-state and intra-state level. Given this, it is important to consider how it may be worthwhile to have institutionalised forms of good offices such as the Secretary-General of the United Nations, the Secretaries-General of other intergovernmental organisations such as the OAS, OAU, and the High Commissioner of National Minorities in the case of the OSCE. In other cases good officers can be organised on a more unstructured framework such as register of eminent persons or special representatives who are viewed as having the potential to play a role in mediation or conciliation efforts. In other cases good offices may be provided by a well

⁴⁸ Franck T.M., and G. Nolte., 'The Good offices role of the UN Secretary-General', in Roberts, A and B. Kingsbury (eds.) *United Nations, Divided World*, Clarendon press, Oxford, 1993, p.174

informed and familiar network of diplomatic and academic officials who contribute to a Track Two or unofficial security dialogue forum. Without question the use of good offices is a function of preventive diplomacy that depends considerably on the effectiveness of early warning operations. Needless to say, the chief responsibility for an intergovernmental organisation then would be to orchestrate into action, those who are able and willing to perform such operations. Again we make the observation that the credibility of the good officer and the timing of action are the crucial factors for this aspect of preventive diplomacy.

III. Confidence-building Measures

Confidence-building measures (CBMs) do not always have to depend on early warning mechanisms to be operational. In many cases they are already in place and continuous. Confidence-building measures are perhaps the most worthwhile of preventive diplomacy activities as they imply the actual forging of positive functional relationships between entities. If such measures perform well, that is if those already in place are able to create a working system of tension reduction, then it is likely that other functions of preventive diplomacy such as mediation or preventive deployment need not come about in the first place. Although there is no general theory of confidence-building measures, it would be fair to assume that they are more or less, genuine measures for reducing the chances of unintended conflict and enhancing assurance between states of their peaceful intentions. In this sense one of their main concerns is to prevent crisis, a parallel of which is short-term preventive diplomacy. The other primary focus, that is to develop a process of co-operation between entities, correlates to the objectives of long-term preventive diplomacy - seeking measures progressively to improve relations within the international system on a host of issues. CBM's come in a variety of forms, though in the scope of preventive diplomacy it is possible to categorise them as those within the political dimension or those within the military dimension. In the simplest of terms, those

that are political in nature include certain measures to engage the disputing parties in a non-confrontational interaction in the advent of escalating tensions. An example in this case would be a good officer using shuttle diplomacy to arrange an informal emergency meeting between select members from the disputing parties. In the military dimension, confidence-building measures involve specific mechanisms to promote restraint and prevent misunderstanding or miscalculation between armed forces. Some examples here include the establishment of risk-reduction centres, non-official workshops, a frequent exchange of military observers, defence white papers, or specific information systems designed to thwart accidents or severe misunderstandings.

Confidence-building measures, to produce results, require the existence of several inter-related factors, some of which include, transparency, a minimum level of political will, a certain level of reciprocity, a modest beginning void of ambitious designs, and of course adequate provisions for verification. For instance it has been suggested that transparency, between military components can encourage a measure of trust between countries, while reassuring governments that other countries do not initiate military hostilities against them. Transparency can also create the conditions for military units from different countries to co-operate and work together in ways that build confidence and reduce the risk of conflict.⁴⁹ At the same time, it is important to acknowledge how it would be more appropriate to start confidence-building processes modestly, with steps that will widely be perceived as successful rather than with suggestions that are overly complex.⁵⁰ After all, the confidence building process can be encouraged with follow up meetings or other techniques to maintain a momentum of institutionalised co-operation. However measures to build confidence should not be enforced upon entities, they should be agreed upon and developed based on the will of concerned parties considering such activities. It is important to remember that CBMs may very well be a contributing factor to developing a culture of co-operation between entities, but by the same token it

⁴⁹ Uren, R., 'Enhancing Confidence: Transparency in Defence Policies and Military Acquisitions' in, *The Making of a Security Community in the Asia-Pacific*, 1997. p.47

⁵⁰ Krepon, M., 'The Decade for Confidence-Building Measures', in *A Handbook for Confidence-Building Measures in Regional Security*, The Henry L. Stimson Centre, Washington D.C 1995. The source was obtained from website:

may also be that a certain degree of co-operation must exist before CBMs can become truly effective. The literature on confidence-building is vast, often suggesting that they are by no means a proven solution or plan of action with regards to preventing violence. What is frequently stressed is that it is not what is being done to build confidence that matters, but rather how it is being done.

As has already been noted CBMs, in particular those for diffusing crisis situations, can come in a number of forms. Among most popular have been the creation of emergency communication systems or establishing parameters of conduct during inadvertent violence. But perhaps the key challenge for intergovernmental organisations when attempting to forge such measures, is to ensure that the participants involved are willing to participate in such endeavours without sacrificing strategic advantage or exposing any military weaknesses that would undermine the easing of tensions. The considerations of this objective alone carry a number of prerequisites such as creating and sustaining an acceptable process of dialogue, achieving a consensus on the level and types of military operations to be employed and of course, securing accountability for the actions taken by the parties to a dispute while engaged in such measures. Reducing fears of surprise attack and seeking assurances in order to avoid miscalculated or misinterpreted actions make up a significant portion of short-term confidence-building measures and they especially require the creation of widely agreed upon procedures based on negotiations or tacit co-operation. However there is no guarantee that confidence will be increased even though such measures appear to be in place. If those who participate in CBMs do not give full commitment to them or view them as a zero-sum game, then it is unlikely that such measures will prove effective.

Confidence building measures have been applied on a number of occasions to limit the likelihood of unwarranted military confrontation. A few examples would include the general understanding between Israel and Jordan to co-operate in combat terrorist incidents across the Jordan river, including the establishment of a hotline in 1975 between each country's intelligence service,

the Mossad and the Mukhbarat.⁵¹ There have also been the establishment of hotlines between Indian and Pakistani sector commanders in Kashmir, not to mention the agreement between Israel and Egypt on a six-hour advanced notification period for national aerial reconnaissance flights along the median line of the buffer zone in the Sinai peninsula.⁵² An important observation made by Michael Krepon is that in many situations of considerable tension, confidence-building initiatives have been undertaken despite the inability or reluctance of leaders to resolve fundamental differences.⁵³ The point to consider here is that such initiatives are, at a minimum, able to impede an increase in hostilities while at the same time not actually worsening the security predicament of a particular state.

Krepon has further argued that the implementation of such previously mentioned measures can serve as an important methodology of inter-state conflict avoidance, given that they can serve as a safety net against explosive developments such as urban acts of terror or an increase in the level of violence with disputed territories. We must also see how such small tests of trust may be able to lay the political foundation for more substantial confidence-building measures at a later stage, since they advocate open channels of communication and provide a minimal level of transparency over military practices.⁵⁴ To add to this Krepon makes mention of the possibility for states to engage in confidence-building measures (aimed at conflict avoidance) even if they do not have established diplomatic relations. The Israeli-Syrian aerial monitoring agreements along the Golan heights served as an important example. The fact that non-governmental meetings can help to stimulate problems-solving approaches when government-to-government communication channels are absent must also be considered. Here also, Krepon brings our attention to a number of examples such as the Dartmouth Group during the Cold war and the Neemrana Group made up of former Indian and Pakistan officials and non-governmental experts.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

It has been a point for many observers to suggest that the use of specific CBM's to thwart an imminent crisis must be accompanied by subsequent proposals for building trust that are more substantial in nature. The implication here is that such supporting measures should be able to encourage further co-operation in the military as well as economic, political, humanitarian and cultural realms. In this case the objective is to broaden and strengthen existing patterns of co-operation, while making positive developments as irreversible as possible.⁵⁵ That is, if crisis prevention confidence-building measures are employed, then they should do so within the larger framework of more comprehensive measures such as a continuous dialogue process on potential areas of functional co-operation, and of course other military confidence-building measures aimed at demonstrating non-hostile intent and enhancing trust.⁵⁶ By doing so the assumption is that those who participate in such activities will over time be able to develop shared interests and a culture of co-operation. In this sense it is important to recognise how the use of confidence-building measures brings into preventive diplomacy two key points, that preventive diplomacy should be thought of or applied within a larger framework of conflict management, and that certain aspects of preventive diplomacy should eventually be able to foster functional co-operation among those involved. The key challenge for intergovernmental organisations in this case is to marshal sufficient intra-mural participation in specific crisis-oriented confidence building measures while keeping in mind the long-term goal of continuing functional co-operation among concerned parties so that conflicting interests and the functional value of conflict can be significantly diminished.

IV. Preventive Deployment

The idea of preventive deployment was first mentioned in *An Agenda for Peace* and was referred to as the deployment of military, police and civilian

⁵⁵ *Ibid.*

⁵⁶ Some examples of potential areas of co-operation include trade and cultural exchanges, security co-operation on such issues as trans-national crime, or political co-operation in the form of an annual leadership summits or senior official dialogue fora.

personnel in volatile areas with the objective of preventing the outbreak or escalation of a conflict.⁵⁷ Preventive deployment stipulates that it can come about in a variety of formulae, both in inter- and intra-state conflicts to alleviate suffering and to limit or to control violence in order to develop a safe environment conducive to negotiations and the peaceful settlement of disputes.⁵⁸ For this, it has been seen as a last resort of preventive diplomacy. Its utility may be premised on the effectiveness of fact-finding and early-warning on violent confrontations. That is, if fact-finding does manage to produce evidence of forthcoming violence and such evidence is used to justify an early-warning, but a violent confrontation is imminent anyway, then preventive deployment could thus be put into effect. However it could also be the case that fact-finding missions recommend that preventive deployment be undertaken as the best possible chance of preventing violence.

Although there is considerable overlap between the literature on preventive deployment and peace-keeping there are some key distinctions which should be articulated. Preventive deployment is more restricted in scale and in scope. It seeks primarily to prevent the outbreak of violence through the establishment of a neutral domain so that safer conditions will prevail whereas in most cases, peace-keeping seeks to prevent the escalation of violence once it has already occurred. Because of this it has often been referred to as the early stages of peace-keeping. Whereas peace-keeping usually supports or enforces a political solution that has already been reached, preventive deployment usually takes place without a political settlement except permission for the deployment of the multinational force. As preventive deployment aims at establishing a position before violent clashes commence, then they would seem to require fewer personnel than peace-keeping forces

Marshalling preventive deployment activity must first address the question of who is going to be involved. Preventive deployment forces will inevitably be military-based, but this is not an exclusive characteristic as creating safe conditions may involve police or civilian-oriented activities such as

⁵⁷ Boutros-Ghali, *An Agenda for Peace*, United Nations, New York, 1995, p.16

⁵⁸ Martensson-Bjorkdahl, A., *op cit.*, p.4.

mediation or the observation of human rights. It is also important for preventive deployment forces to have an impartial identity and sufficient credibility to be accepted and respected by disputing parties. They would need to be seen as politically, ethnically or even religiously acceptable for intervention by all disputing parties, while at the same time having credible self-defence mechanisms so as to thwart any acts of intimidation. It could even be that specialist observers make up a key portion of preventive deployment forces in order to convey a message of immediate intervention if violent actions by disputing parties are not constrained. But perhaps the true test for such operations depends on their capacity to be expeditious. In a large part the ability of preventive deployment to be operational would depend on ready and available forces as well as constantly available logistical support. It has even been argued that the credibility of preventive deployment depends on a rapid response capacity.⁵⁹ After all violent conflicts do not wait for secondary attempts at mediation or conciliation, no matter how formidable they may seem to be.

The case of international conflict prevention in Macedonia represents the world's first-ever multilateral preventive deployment unit employed by the United Nations.⁶⁰ It is worthwhile studying because it has generally been viewed as a successful activity of preventive diplomacy to date. The United Nations' preventive deployment mission to Macedonia commenced in January of 1993 with five hundred Canadian troops who were later replaced by seven hundred Swedish, Norwegian and Finnish troops. The United States also provided an additional five hundred troops that same year. It is important to mention how this endeavour came about owing to an initiative by the International Conference on the Former Yugoslavia (ICFY) and of course the request made by the President

⁵⁹ *ibid.*, p.5

⁶⁰ For an in-depth analysis of the origins of the United Nations' preventive deployment force to Macedonia see Lund, M., 'Preventive Diplomacy for Macedonia, 1992-1999: From Containment to Nation Building' in, B.W., Jentleson (ed.) *Opportunities Missed, Opportunities Seized, Preventive Diplomacy in the Post-Cold War World*, Rowman & Littlefield, New York, 2000. It has also been argued by A. Martensson Bjorkdahl that United Nations engagement in Macedonia was premised on the consideration of four potential conflicts involving that state. These included the external threat from the bordering Republic of Yugoslavia, the fact that Macedonia's relations with Bulgaria and Greece were complicated by mutual irredentist fears, the growing internal tension between ethnic Macedonians and ethnic Albanians supported by Albania, and the threat of spill over conflict likely to originate from Kosovo.

of Macedonia, Kiro Gligorov, for the deployment of international observers.⁶¹ Given the name of the United Nations Preventive Deployment Force (UNPREDEP) in 1995, and separated into a distinct command from UNPROFOR, UNPREDEP was given the mandate to patrol the Macedonian side of the Serbian and Albanian border, to monitor and report on developments that could threaten Macedonia, to deter such threats from any source, as well as to help prevent clashes which could otherwise occur between external elements and Macedonian forces.⁶² For its course of action UNPREDEP troops were positioned at several border posts, where small patrols were sent out to report on specified threatening events while engaging with intruders in non-provocative ways to inform them of the agreed administrative line and of course to request their departure from such territories. At the same time, the mission's civilian police worked with the Macedonian police and civil authorities in areas with large populations of ethnic minorities where they were also able to participate in humanitarian aid in local communities to create good will. Since then, UNPREDEP has been given the direction to focus more on internal issues, in particular to support the activities of the special representative of the Secretary-General of the United Nations (SRSG), Henryk Sokalski, in improving political stability with that country.

It has been noted that UNPREDEP's most immediate effect upon being dispatched was that it was able to prevent the outbreak of a number of potentially violent border incidents. To this extent Michael Lund has argued that UNPREDEP's continuous presence and modulated defensive procedures played an important role.⁶³ We must then consider how UNPREDEP's deterrent value lay not only within the military dimension, but also in the psychological or political threshold it created. The fact that it symbolised further U.S and other international military intervention, if provoked, was crucial to its role in preventing unwarranted hostilities. Lund has credited UNPREDEP's effectiveness on the quickness of its deployment, and the overall goal cohesion associated with

⁶¹ Martensson-Bjorkdahl, *op cit.*, p. 8

⁶² Lund, M., 'Preventive Diplomacy for Macedonia, 1992-1999: From Containment to Nation Building', p.192

⁶³ *Ibid*, p.196

the mission. But it is also necessary to mention how UNPREDEP functioned alongside an OSCE mission, efforts from the Council of Europe, the High Commissioner on National Minorities and several non-governmental organisations in the process of conflict prevention and dispute settlement in Macedonia. Because of this several sources of potential violence were addressed including external military threats, ethnic group rivalries and clashing party politics. This is a point that has also been made by Martensson-Bjorkdahl who mentions that a key factor contributing to the rapid deployment was the quick and positive responses by the governments who were asked by the United Nations to contribute, and of course, their extensive experience in participating with the United Nations in previous peace-keeping operations.⁶⁴ Another key factor which must not be overlooked, as far as the effectiveness of UNPREDEP is concerned, is how the Macedonian government gave support to UNPREDEP's mandate. It has been acknowledged that such a continued presence was important to Macedonia while the region was awaiting the implementation of the peace agreement in the Republic of Bosnia-Herzegovina and while the country was attempting to normalise its relations with the Federal Republic of Yugoslavia, as well as attain sufficient national defensive capabilities.

Perhaps the key observation to make when viewing the case of preventive deployment in Macedonia was that it came to represent a comprehensive approach to conflict prevention. In addition to its preventive deployment mandate, UNPREDEP eventually came to take on the tasks of providing good offices, instigating confidence-building measures, giving early warning, fact-finding, as well as implementing specific social and development projects.⁶⁵ Of course we must also recognise how the general decrease in external threats to the country allowed the international community to revise their policies to focus on the internal sources of instability in Macedonia. But this would not have been possible without the consent given by the Macedonian government. The relative success of preventive deployment in Macedonia goes to suggest more states should seek to contribute to such operations. Although its effectiveness was highly conditional on a number of factors (which may not exist in other conflict

⁶⁴ Martensson-Bjorkdahl, *op cit.*, p.10

⁶⁵ *Ibid.*, p.14

situations), the experience of this unit has given us an indication that given the right circumstances, it can be a useful strategy to prevent violent conflict. Though it cannot be assumed that an intergovernmental organisation will be able to marshal enough resources to command and control their own preventive deployment units, it is still important to consider how they can prepare to assist the United Nations in this relatively new and encouraging endeavour.

Summary

To conclude our discussions on the practices of preventive diplomacy, it is important to recall the primary components of this operation. To the extent that preventive diplomacy involves thwarting the emergence of conflict, then the key activities include observing or studying the signs of conflict, foreseeing the progression of conflict, and then putting into place certain measures to forestall such anticipated violence. In the case that preventive diplomacy concerns thwarting the escalation of violence, then the main activities are facilitating the acknowledgement of an arrangement of conflict settlement as an alternative, promoting such a process of conflict de-escalation, and then confirming or guaranteeing that such violence constraining mechanisms are put into place or carried out. Through our brief sampling of the functions associated with our stipulated definition of preventive diplomacy, we find that timing or the ability for them to be put into place promptly, is a fundamental priority. For this purpose, such activities of preventive diplomacy have to be prepared or organised in advance. To be prepared and well organised, there must exist a certain degree of political will. In the case of an intergovernmental organisation with a conflict management mandate, this entails the harnessing of adequate political support from the member states to develop such capabilities. The invariable point then is that it cannot be assumed that all intergovernmental

organisations will readily be able to develop and sustain enough intra-mural political backing for these endeavours.

The increasing use of observation missions and the development of specialised institutions for fact-finding are signs that early-warning capabilities have been receiving more attention by many intergovernmental organisations. Needless to say, the application of more time-efficient methods of information gathering and analysis (such as those mentioned previously) will need to be considered by any intergovernmental organisation if they are to play a greater supporting role to the United Nations in the management of international security. To this extent it has also been suggested that there is the need for intergovernmental organisations to ensure that such early-warning machinery will not suffer from overload, given the plentiful amount of information now available from intricate global media resources. Let us also not forget the consideration of information quality and not just quantity, where early-warning facilities must adhere to reliable interpretation and be particularly aware of potentially biased reports which have been subjected to political manipulation for partisan gains. Most importantly however, the credibility of any early-warning mechanism is predicated on its ability to generate subsequent action and in this case, another set of criteria on the presentation of early-warning information must also be addressed by regional organisations.⁶⁶ This would inevitably include deliberations on tact, such as to whom to bring early-warning, and whether this should be done in a public or private fashion, given the political climate at the time. Developing an early-warning device for an intergovernmental organisation could imply the drafting of procedures for dispute monitoring, especially on the issue of clandestine tactics, while observation missions could require a revision of the organisational charter to establish codes of conduct so as not to infringe upon state sovereignty. What is also critical here is the recognition of some recurring problems or missed opportunities associated with previous early-warning experiences such as

⁶⁶ In this case Alexander George and Jane Holl have argued that leaders need the kind of early warning that will induce them to act preventively, not simply warning that a bad situation is getting worse. Please see George, A.L., and J. Holl, 'The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy', *A Report to the Carnegie Commission on Preventing Deadly Conflict*, Carnegie Corporation of New York, 1997.

inadequate responses (too slow) to early-warning, the possibility that policy makers will ignore warnings, and the possibility that responses to an early-warning may be of an inappropriate character.

The argument that intergovernmental organisations traditionally stay out of internal political matters represents a challenge for many regional organisations who are beginning to consider a preventive diplomacy mandate. This point is further compounded by the suggestion that it is generally when crises become acute that the concerned parties are willing to allow some sort of intervention. Given this we cannot deny that preventive diplomacy, though an important and a worthwhile strategy, contains a number of challenging tasks. To say the least, the implications for a regional organisation about to take on such an approach to conflict management are manifold. The Association of Southeast Asian Nations (ASEAN) is a regional organisation that is currently proclaiming a willingness to consider preventive diplomacy as an approach to regional conflict management. The regional agency has so far articulated an intention to be more pro-active in maintaining regional peace and security, with a preventive diplomacy capacity as one of the organisations key functions. Importantly this proclamation also rests also on the assertion of an 'ASEAN way' to regional conflict management. For this many commentators have argued that the regional organisation is too ambitious as such an endeavour would need to consider a number of complex issues, in particular an amalgamation of the organisation's well entrenched practice of regional conflict management with the tasks of preventive diplomacy. In spite of this, ASEAN has been adamant in its potential ability to provide the region with a working system of conflict and security management. On this account it is essential that a critical analysis of this 'ASEAN way' to regional security management be provided. This is the objective of the next chapter, where it is important to bear in mind two key points, how the 'ASEAN way' has been well entrenched with the organisation, and how this way ultimately contradicts with the principles of preventive diplomacy.

CHAPTER FOUR

ASEAN Conflict Management and Whither Preventive Diplomacy? The Past as Prologue

Introduction

In Chapter Two our analysis centred on how the concept of preventive diplomacy was influenced by the experiences of the United Nations, in particular the Office of the Secretary-General. Discussions then highlighted how, since the end of the Cold War, the idea of preventive diplomacy has been ascribed with various forms and purposes, this as a result of growing demands for the international organisation (and other related regional entities) to be more effective and pro-active in conflict management. But the plethora of definitions of preventive diplomacy have made our analyses of the practice more difficult and as a result, a working definition has been stipulated. The practice of preventive diplomacy under scrutiny in this analysis is concerned with the prevention of the emergence of violence, and escalation of violence (if it already has broken out) at the inter-state and intra-state level. A closer look at the numerous proposals of preventive diplomacy in this dimension then reveals that the spectrum of methodologies can be categorised into four basic types. They are the use of early-warning mechanisms and the operations associated with fact-finding and information gathering, the employment of 'good offices', the use of confidence-building measures, and the use of limited military measures as a last resort to suspend the imminent outbreak of armed hostilities.

In Chapter Three our analysis focused on how the above functions of preventive diplomacy have been approached in numerous ways. For example the task of early-warning can take the form of high-ranking official fact finding missions, a specific mechanism to bring urgent attention to an imminent conflict situation, and even co-operation with humanitarian agencies for the purpose of

monitoring ethnic minority flows. The use of good offices may be through delegated or *ad hoc* committees, the Secretary-General of a particular organisation, or special representatives who have expertise in monitoring dispute situations. At the same time, the task of establishing cease fires or demilitarised zones and the act of preventive deployment are highly dependant on the availability of resources and the capabilities of command and control. In general, our survey has revealed that preventive diplomacy is a relatively new experience for many entities within the international system. The fact that we are facing increasingly complex conflict situations has made investigating preventive diplomacy at this time an even more compelling task. The key point, however, is that preventive diplomacy is a specific and demanding function because it is premised on timely action to thwart the emergence or escalation of violence. Moreover to be effective, it must consider intra-state conflict as well as those in the inter-state dimension. Because of this, we cannot assume that preventive diplomacy will be an uncomplicated task when approached at the multilateral level

On account of this supposition, we now direct our efforts to a more detailed analysis on the relationship between preventive diplomacy and the conflict management practices of a specific regional organisation. The case study for this analysis is the Association of South East Asian Nations (ASEAN) - the key regional organisation of Southeast Asia with an explicit conflict prevention agenda. The purpose of this chapter is to investigate whether (and if so, how) preventive diplomacy has been a part of ASEAN's previous conflict management experiences. Our study into the past experiences of ASEAN conflict management in this chapter will cover the time period from the organisation's inception in 1967 until the end of the Cold War. We shall see how during this time, ASEAN developed its own unique approach to regional security, often referred to as the 'ASEAN way' of conflict management. However this is not to be confused with an 'Asian way' of security management, although some observers regularly do make that mistake. The point is that the 'ASEAN way' differs considerably from the framework of preventive diplomacy that was

discussed in the previous chapter.¹ A basic position has been to define the 'ASEAN way' as a method of intramural conflict management and avoidance in which security is addressed through political consultation and dialogue rather than through any formal security mechanism.² The 'ASEAN way' has also been referred to as an organising framework of multilateralism characterised by an interpersonal practice of accommodation and reconciliation. It has even been regarded as an institutionalised expression of confidence-building and preventive diplomacy, albeit of an unobtrusive kind.³ However to obtain a more complete understanding of the organisation's past experiences of conflict prevention, it is not enough to rely on knowing the machinery of the 'ASEAN way', we must also pay attention to understanding the key factors behind the construction of this machinery.

This chapter is divided into two sections with the first covering ASEAN's conflict management agenda during its formative years. The second section will look into the Indochina conflict and how this event has influenced the 'ASEAN way' of regional diplomacy. One of the main observations in this chapter is that in this era, ASEAN did not achieve the collective political machinery to pursue more proactive forms of regional conflict prevention mainly because of lingering intra-mural tensions and differences. As a result, the ASEAN states increasingly became accustomed to shelving problematic diplomatic transactions with each other so as to develop functional relationships where co-operation could be generated and sustained. In this process, the foundations of the 'ASEAN way' were laid. Of course we must consider other salient factors which have been instrumental in defining the 'ASEAN way'. These include the fact that ASEAN states did not expect to develop the organisation into a mechanism that would handle complex regional security issues, and the fact that ASEAN developed a policy of 'non-interference' enshrined in the organisation's code of conduct (the Treaty of Amity and Cooperation).⁴ We must also consider how the ASEAN

¹ This point will be further discussed in the chapter.

² Hoang, A.T., 'ASEAN Dispute Management: Implications for Vietnam and an Expanded ASEAN', in *Contemporary Southeast Asia*, Vol.18, No.1, June 1996, p.63

³ Leifer, M., *The ASEAN Regional Forum*, International Institute of Strategic Studies, Oxford University Press, 1996, p.31

⁴ This prevented ASEAN from any deliberation into managing impending intra-state conflict situations. To this extent Shaun Narine (1999) has mentioned that the states of

members, over time, became familiar with a particular style of regional diplomacy that encouraged informality, the development of personal ties and an elaborate schedule of diplomatic communication. In many ways, this process of unobtrusive political dialogue was the most workable framework for the functioning of ASEAN, given such differences between the members at the time. With these factors in mind, it is possible to reconsider the essence of the 'ASEAN way' as an approach to regional diplomatic communication that had the purpose of sustaining a working (or indeed minimal) level of political co-operation between the member states.

It has been suggested that the significant achievement for ASEAN during these years was that the member states were able to establish themselves as a prominent diplomatic community.⁵ But in so doing, we must also consider that the organisation has never been instrumental in helping to devise and manage a peace process, nor has it been directly involved in solving intra-mural conflict situations.⁶ Due to ASEAN's relatively weak background in regional conflict management during these years, a fundamental argument presented here is that preventive diplomacy (or any other elaborate conflict prevention mechanism for that matter) has generally not been a part of the organisation's security co-operation history.

There have been several commentaries questioning the true value of this 'ASEAN way' since it did not include any other preventive diplomacy mechanism other than limited confidence-building measures. Although the organisation has had at its disposal specific mechanisms for dispute settlement, there is no compulsion requiring contracting states to use such treaty provisions. In this light, Michael Leifer has made the observation that the reluctance to invoke such provisions has also been indicative of the recognition that engaging in formal dispute settlement would only be contentious and divisive, and

ASEAN were still in the process of nation-building and were unwilling to sacrifice any significant degree of sovereignty to a regional organisation. The Treaty of Amity and Cooperation will be analysed in more detail later in the chapter.

⁵ Leifer, M., *ASEAN and the Security of Southeast Asia*, Routledge, London, 1989, p.148

⁶ Leifer, M., 'The ASEAN peace process: a category mistake' in *The Pacific Review*, Vol. 12, No.1, 1999, pp. 25-38

therefore self defeating for the specific purpose of the organisation.⁷ But then we must consider how the ASEAN states have come to focus on functional co-operation and a web of organisational activities as way to promote peaceful relations with each other. Although by the end of the Cold War, ASEAN's formal conflict management machinery remained comparatively restricted, the organisation had been able to generate substantial intergovernmental co-operation on trade, cultural exchanges, technology transfer, tourism, social development, energy policy, and even industrial co-operation. To a considerably degree, the functioning of this organisation structure has served as ASEAN's key contribution to regional stability for the past twenty years. To the extent that ASEAN has been successful in generating these working relations, then it is possible to suggest that the organisation has been central to the emergence of an extensive regional confidence-building system. But the fact that this practice has become well enshrined within the organisation brings us to another important speculation. Although ASEAN first started as process of reconciliation and conflict avoidance between the member states, it has since developed into an organisation that is at the hub of a variety regional arrangements. As a result, it may prove extremely difficult to reform into a more specialised organisation for regional conflict management and preventive diplomacy. After all, it has taken the ASEAN states just over twenty years to develop co-operative relations in areas that relatively do not tax the group's political solidarity.⁸ Moving on to more complex agendas that involve harnessing diverging security perceptions and foreign policy concerns is likely to remain an impractical function for this regional organisation.

I. Community Building and Conflict Avoidance 1967-78

It is important to remember that during its early days, ASEAN was not particularly active in its conflict management role. That is to say, the

⁷ *Ibid.*, p. 29

⁸ This implication will be discussed later in the chapter.

organisation did not attempt any collective initiative at monitoring potential conflict situations, mediation or dispute settlement. Although it has been suggested that ASEAN's unique way to consultation and decision making played a significant role in the development of this confidence-building process, we can attach no weight to the proposition that this methodology was sacrosanct or an essential component of the organisation's practices from the very beginning. During the early years, the ASEAN process involved nothing more than regular annual meetings between the foreign ministers. This was supported by an ASEAN Standing Committee (the principal functional organ of the organisation), several other ad hoc committees, and permanent committees of specialists and officials designed as fora for informal discussion and dialogue.

However the momentum of co-operation envisaged to stem from such arrangements was slow to start as it was marred by intra-mural differences on regional security and a series of unresolved political disputes between the member states. As a consequence, ASEAN's political solidarity was frail and the organisation's conflict management aspirations were relatively shackled. In the face of such difficulties over political convergence, the member states were pressed to consider a way of achieving co-operative relations within the organisation. A process of political dialogue was eventually manifested in ASEAN, but this was only after years of coping with continuing intra-mural political differences and divisions. It would thus be fair to say that appreciation for the 'ASEAN way' of dialogue did not occur until much later in the organisation's history.

A.) The Formation of ASEAN

ASEAN was established on August 8, 1967 with the signing of the *Bangkok Declaration* by the five original member countries, Indonesia, Malaysia, the Philippines, Singapore and Thailand.⁹ The formation of ASEAN was not the first attempt at regional order creation by the member states but can

be seen to be a product of two previous faulty attempts at engineering a regional system. These were ASA (Association of Southeast Asia - established in 1961 by Thailand, Malaya and the Philippines) and MaPhilIndo (Malaysia, Philippines and Indonesia - created in Manila in 1963), both of which fell victim to regional disputes, in particular the Indonesian policy of *konfrontasi* or open confrontation.¹⁰ It is possible to suggest that the formation of ASEAN represented an exercise in confidence-building between former adversaries, after all it is documented that the organisation was formed for the primary purpose of enhancing socio-economic cooperation between its member states. The *Bangkok Declaration* declares that the main purposes of the organisation were “to accelerate economic growth, social progress, and cultural development in the region”, “to promote active collaboration and mutual assistance in the economic, social, cultural, scientific, and administrative fields”, and to “promote regional peace and stability”. This corresponds to a key objective of long-term preventive diplomacy, where the general activity is the construction of working relations between entities on wide-ranging number of issues. However, a more complete understanding of ASEAN’s formation must take note of the following observations.

The establishment of ASEAN was an attempt at regional order creation after a period of inter-state conflict that was tempered by external power influence. Thanat Khoman, ASEAN co-founder, has argued that there were several key reasons why the states of Southeast Asia needed some form of regional organisation at the time. Perhaps the most salient of these was that the withdrawal of the colonial powers had created a power vacuum in a region that was already known to be ‘balkanised’, and that in any case, the Southeast Asian nations needed to band together if they wanted to further prevent interference from external and larger powers.¹¹ To this extent, the formation of ASEAN may have also reflected a desire by the founding members to reinforce their identities as sovereign states within the international system, so that their interests would

⁹ The Republic of Brunei, became the sixth member in 1984.

¹⁰ In the case of ASA, conflicting territorial claims between the Philippines and Indonesia on the one hand and Malaysia over Sabah eventually saw the downfall of the regional grouping.

¹¹ Khoman, T., ‘ASEAN – Conception and Evolution’ in *Publications and Speeches by*

be recognised and treated respectfully. At the same time Shankari Sundararaman has argued that the problems posed by a worsening conflict in Indochina also influenced the establishment of ASEAN. By the mid-1960's the war in Indochina had intensified, brought on by heavy US military involvement and the inclusion of Laos and Cambodia to the conflict. Because of this the creation of ASEAN also represented the formation of a group of non-communist states in a region threatened by communist pressures.¹²

We must also mention how ASEAN's inception served as a channel for the member states to accommodate their individual foreign policy objectives. It has been argued that for Thailand, ASEAN would hopefully become an organ for the 'collective political defence' of the region, so that for Bangkok a policy of regional co-operation could supplement and eventually replace its alliance with the United States. For Indonesia, ASEAN was a way to break out of the self imposed isolation resulting from *konfrontasi* and Sukarno's steadfast avoidance of any cooperation with 'neo-colonialism'.¹³ Along with this Jakarta saw ASEAN as a vehicle for asserting its regional leadership and regarded the formation of the organisation as a mechanism to minimise the opportunities for great power domination in the region, a notion heavily tempered by a perceived security threat of Chinese expansionism. At the same time Malaysia, Singapore and the Philippines all wished to divert Indonesia's attention to more constructive channels while satisfying Jakarta's desire for regional pre-eminence.¹⁴ For the Philippines, membership in ASEAN was also seen as a way to enhance its own national prestige and a way to promote its Asian identity as a counter-balance to a continuing close relationship with the United States. As for Singapore, joining ASEAN represented not only an opportunity to associate with its larger neighbours on an equal basis and to stress its Southeast Asian (instead of Chinese) identity, but also a guarantee that its mutual defence and security

Dr. Thanat Khoman, p.181

¹² Sundararaman, S., 'ASEAN Diplomacy in Conflict Resolution : The Cambodian Case' in, *Strategic Analysis*, Vol. 11, No.7, Institute for Defense Studies and Analysis, New Delhi, October 1997, p.1

¹³ Huxley, T., *op cit*, p.84

¹⁴ *Ibid.*

interest with Malaysia would stay intact despite the separation into an independent state.¹⁵

To complete the picture however, it is important to suggest how reconciliation between the member states was another fundamental driving force behind ASEAN. Southeast Asia in the 1960s was a region immersed in social conflict, political instability and intra-state tensions. It is even stated in ASEAN documents that at the time, the region was badly divided by ideological conflict, territorial disputes and ethnic tensions, while internal insurgencies and economic hardships had forced the countries of the region to waste their scarce resources in defence.¹⁶ It is especially important to note how Indonesia's legacy of *konfrontasi* was particularly unsettling for the ASEAN members. *Konfrontasi* was defined by then President Sukarno as a contest of power in all fields and involved the practice of coercive diplomacy accompanied by particular military measures stopping short of all out war.¹⁷ In 1963 *konfrontasi* was directed towards the Federation of Malaysia in the form of armed incursions in North Borneo and Sarawak, and peninsular Malaysia in order to create a sense of international crisis with the hope to provoke international intervention that would benefit Indonesia's cause. This was in response to the British-backed Malaysian proposal to merge the Federation of Malaysia, the self-governing island of Singapore, the British colonies of Sarawak and North Borneo, and the British protected Sultanate of Brunei. With British military arrangements assisting the defence of its former and existing territories, the region was consequently witness to frequent and violent clashes between Indonesian and Malay forces.

The conclusion of *konfrontasi* only came following political change within Indonesia as Sukarno was removed from power in 1966 by military leader General Suharto. The formation of ASEAN several months later was therefore seen as a necessary step to support reconciliation between Indonesia and the Federation of Malaysia by providing a wider structure of regional co-operation.

¹⁵ Jeshrun, C., 'The Southeast Asian Experience of Regional Order' in *China, India Japan and the Security of Southeast Asia*, ISEAS, Singapore, 1993, p. 34

¹⁶ 'History and evolution of ASEAN', in ASEAN Document Series, source retrieved from website: www.asean.or.id/

¹⁷ It is important to mention that the policy of *konfrontasi* was first used against the Dutch

Michael Leifer has pointed out that on a wider scale, regional reconciliation was intended to complement a greater common goal for institutionalising regional conflict management so that a single-minded allocation of national resources to economic development could be undertaken by the member states.¹⁸ In this case he acknowledged that a common recognition by the ASEAN states that a positive relationship existed between economic development and political stability also served as a key reason for attempting regional co-operation within the ASEAN framework.¹⁹ Thus with the general understanding that internal security problems were at the time, a main concern for the ASEAN states (in particular the threat of revolutionary and insurgent challenge), that such internal problems should be addressed by giving national priority to economic development, that a stable and peaceful region would assist the ASEAN governments in this endeavour, and that the management of regional tensions would restrict the opportunity for extra-regional powers to meddle in the affairs of the region, it would be fair to say that the ASEAN states saw the establishment of the organisation as a vital and even necessary development for Southeast Asia.²⁰ The difficult question facing the ASEAN members soon after formation however, was actually how to proceed with such a mandate for regional co-operation.

B.) ASEAN Political Co-operation: A Fragile Beginning

It is not difficult to accept the fact that when ASEAN was formed, its member states were mostly motivated by a narrow understanding of their self interests, which were not always congruent and therefore undermined ASEAN's unity and ability to function effectively.²¹ At the time, the ASEAN states were relatively new to statehood and in an early stage of nation building, a task which laid considerable emphasis on the importance of determining national interests.

in 1960 when Indonesia pursued its territorial claim towards Irian Jaya.

¹⁸ Leifer, M., *ASEAN and the Security of Southeast Asia*, p.29

¹⁹ *Ibid*, p.30

²⁰ For an analysis on the need of the ASEAN states to construct a regional security order at the time of formation, see Mely Caballero-Anthony, 'Mechanisms of Dispute settlement: The ASEAN Experience', in *Contemporary Southeast Asia*, Vol.20, No.1, April 1998, pp.38-66. See also Dwiwandono, J.S., 'The Security of Southeast Asia in a Changing Strategic Environment' in *Security in the Asia-Pacific Region*, Australian Defense Studies Centre, 1993.



Furthermore the ASEAN states did not share a culture of co-operation (they had never worked together on a multilateral level) and were relatively unfamiliar with each other on a political basis. As such, intra-ASEAN political co-operation was problematic from the very beginning, owing to a number of reasons.²² To this extent, ASEAN co-founder Thanat Khoman has mentioned that the most important defect of ASEAN then, was the lack of political will and the lack of trust and sincerity between the members.²³

Among the many difficulties in political solidarity that ASEAN had to face, one of the key issues was the role of external power involvement in the region. Tim Huxley has argued that for much of its first decade, intra-ASEAN co-operation in the dimension of conflict management focused around several key issues, namely, regional reconciliation between the member states, seeking political understanding with communist Indochina, and limiting the trend of external power influence (in particular military influence) in the region.²⁴ However this did not prevent the all ASEAN states from continuing with their security relations with external powers. Although the ASEAN states shared a common position that in principle, the influence of external powers in the region had to be controlled, they were not in total agreement on how this was to be done. Although Indonesia was concerned with limiting external power influence in Southeast Asia, the other members still depended upon alliances with Western states to ensure their immediate security. Singapore and Malaysia maintained close military links with Britain, while the Philippines and Thailand had security agreements with the United States. It has also been suggested that the ASEAN members were concerned about the region being dominated by Indonesia if there were no external powers to check on Indonesian ambitions.²⁵ The inability of the ASEAN members to reach a common position on how to control external power influence became a problematic issue for the organisation during these formative

²¹ Leifer, M., *ASEAN and the Security of Southeast Asia*, p.195

²² These are discussed below.

²³ Khoman, T., *op cit.*, p.183

²⁴ Huxley, T., 'ASEAN Security Cooperation- Past , Present, Future' in *ASEAN into the 1990s*, Macmillan, London 1990, p.85

²⁵ Narine, S., 'ASEAN and the Management of Regional Security' in *Pacific Affairs*, Vol.71, No.2, 1999, p.197

years. This was especially visible when Malaysia proposed the neutralisation of Southeast Asia in 1970.

At the Non-Aligned Conference in Zambia in 1970, without prior consultation with its ASEAN partners, Malaysia proposed a Zone of Peace Freedom and Neutrality (ZOPFAN) for Southeast Asia. Consequently, the ASEAN states did not respond positively to the Malaysian proposal, a document which called for the United States, the Soviet Union, and China to respect Southeast Asian neutrality and to guarantee that neutrality by agreeing not to compete in the region. ZOPFAN also required that the ASEAN members follow policies of non-aggression, avoid involvement in the great power rivalries, and seek to exclude those rivalries from the region. Naturally, the Philippines and Thailand were concerned over the implications of such a proposal on their defence arrangements with the United States. Indonesia rejected the concept of neutralisation in its Malaysian formulation because it suggested that the future of Southeast Asia would be determined by the actions of the major powers.²⁶ After all Indonesia wanted to exclude the external powers from the region, not legitimise their intervention in regional affairs.²⁷ Jakarta saw the unilateral Malaysian proposal as a challenge to the founding principles of ASEAN, as a challenge to its leadership in the regional body, and perhaps more importantly, as a Malaysian-inspired initiative to accommodate emerging Chinese interests in the region. On the other hand Singapore maintained that its security interest would best be served by the involvement of all major powers in the region so as to enhance a regional political balance. Correspondingly, intra-ASEAN division on the implications of this proposal prompted the search of an alternative formula, but only after pressure had been applied on Malaysia to consider a much diluted version of the proposal. Consultations subsequently produced a general agreement, but this was in no way an assertion of collective will. Instead it was a political compromise put together to accommodate the diverging strategic perspectives within ASEAN.

²⁶ Leifer, M., *ASEAN and the Security of Southeast Asia*, p.57

²⁷ Narine, S., *op cit.*, p.199

Along with the problematic issue of external power affiliation, it is necessary to consider some other factors which marred the organisation's political cohesion during these early years. This refers to the host of unresolved bilateral issues of contention between the member states. Examples include the border dispute between Thailand and Malaysia²⁸, the Filipino claim to the Malay territory of Sabah, and Singapore's hard-line foreign policy disposition following its recent independence from Malaysia.²⁹ It was no secret that the member states were apprehensive about co-operating with each other during these formative years, as ASEAN meetings had a limited role in managing such issues of contention. For instance when tensions between Malaysia and the Philippines became particularly problematic following the Corregidor Affair of 1968, ASEAN was not even the first option for dispute settlement or tension reduction by the conflicting parties.³⁰ Instead a number of bilateral meetings outside of the ASEAN framework ensued to address this issue, though this led to the eventual breakdown of diplomatic relations between Kuala Lumpur and Manila. ASEAN later became involved with the issue by the time of its second ministerial meeting, but this came about mainly as a result of diplomatic initiative by Indonesia's foreign minister Adam Malik.

Malik encouraged both parties to reconcile their differences and went ahead to arrange for a private meeting between the disputants, a gesture which was indicative of Indonesia's influence on ASEAN's diplomatic processes at the time. Although this meeting resulted in an agreement to have a 'cooling off' period, it was nonetheless short-lived as Malaysian-Philippine relations were soon aggravated by a series of diplomatic clashes and sabre rattling. Although both governments were at least able to restore diplomatic relations at the third

²⁸ The dispute between Thailand and Malaysia over their common border was then based on larger internal security issues. First was the concern expressed by Thailand over the Muslim-Malay minority population living in the southern regions and whether the group had been given support from Malaysia. On the other hand Malaysia was concerned at how Thailand was treating elements of the Malay Communist Party known to be hiding along the border and probably within Thai territory.

²⁹ It should also be added that at the time, Singapore viewed Malaysia and Indonesia as potential adversaries.

³⁰ The Corregidor Affair had its roots in the territorial dispute between the Philippines and Malaysia over the territory of Sabah. The Corregidor Affair occurred when it was revealed that the Philippines had maintained a secret military camp for the training of Filipino Muslims to be insurgents into Sabah (A Malaysian state in North Borneo)

ASEAN ministerial meeting (1970) citing a mutual recognition that reconciliation was important for ASEAN, it is important to mention that they were not able to make progress in settling the dispute until much later.

Michael Leifer has suggested that following the Singapore's separation from Malaysia in 1965, the island state decided to adopt an abrasive international posture in light of the realisation of its own vulnerabilities as a small island with a prevailing ethnic Chinese identity surrounded by possibly antagonistic neighbours.³¹ Because of this, intra-ASEAN relations were tested on a number of occasions, making difficult a working relationship between Singapore and its ASEAN partners, particularly Malaysia. This proved to be a weakness for ASEAN, as Thanat Khoman explains,

*"Some parties seek to take more than to give even if choosing the latter course, they may be able to take much more later on. One party, the smallest one, would not hesitate to reduce its allotted share in any joint project which, in its opinion, would not immediately bring the highest return, leaving the burden to other members. In fact, it is common practice at many meetings, to jockey for selfish gains and advantages not bearing in mind the general interest."*³²

Some of the notable episodes which disrupted Singapore's relations with its ASEAN partners included its public opposition to Indonesian activity in East Timor (which had the effect of diminishing ASEAN institutional identity), and the execution of two Indonesian marines who had been found guilty of acts of sabotage during *konfrontasi* - this despite pleas by then acting President Suharto for clemency.³³ In the case of the latter Singapore's refusal to comply was due mainly to domestic public sentiment that such a gesture would only imply a willingness to give in to external pressure. But Leifer has further suggested that Singapore's decision was guided by a compulsive concern not to leave anyone in any doubt about the validity of the island state's recently acquired international status, the point being that this was done with hardly any consideration given to

³¹ Leifer, M., *ASEAN and the Security of Southeast Asia*, p.123

³² Khoman, T., *op cit.*, p.183

³³ The execution of the two marines provoked public disorder in Jakarta. The embassy of Singapore came under attack, while the local Chinese community became a scapegoat for the attacks by the capital's mob.

the cohesion of ASEAN.³⁴ In the event, the deterioration of bilateral relations between the two was gradually reversed as Indonesia again took the initiative in dispute settlement. After Indonesian foreign minister Adam Malik limited the diplomatic damage from this incident through private communication and following a public reiteration of the importance of bilateral relations between Singapore and Indonesia, the government of Singapore finally came round to appreciate the seriousness of President Suharto's personal commitment to ASEAN.³⁵ Although ASEAN did provide a channel for Singapore to express co-operation with its regional partners, it must be mentioned that Indonesia's commitment to the organisation had a large part in the adoption of an informal and non-confrontation style to ASEAN diplomatic initiatives and ultimately, the personal nature of the dialogue process.

In light of these factors, it would be fair to say that for almost a decade after its inception, the founding fathers' vision for a working system of ASEAN inter-state co-operation was continuously put to the test. Continuing difficulties in reconciliation between the ASEAN partners and a lack of common position on collective political direction remained as arduous challenges to the organisation's confidence-building framework. In spite of this ASEAN did survive. In the face of lingering inter-state animosities and suspicions, not to mention episodes of severe diplomatic contention, ASEAN's approach to conflict avoidance and confidence-building began to emerge. Throughout such political disagreements, it was apparent that building working relationships and smoothing key political contentions would need to become the priority for the ASEAN members and for this, a way of promoting open channels of communication between the region's senior officials and leaders became the organisation's primary activity. Progress was therefore achieved in certain areas, in particular with the development of an informal network between the diplomatic corps of the member states and the emergence of amicable personal ties between some of the region's leaders.³⁶ This was especially so for Indonesia's Suharto and Singapore's Lee Kuan Yew.

³⁴ Leifer, M., *ASEAN and the Security of Southeast Asia*, p.122

³⁵ *Ibid.*, p.133

³⁶ ASEAN issues have been carried out within national environments, specifically, within the permanent national secretariats (usually within foreign ministries). It is here where most important ASEAN policies have been conceived, planned and formulated, before

By the early 1970s the process of regional reconciliation by ASEAN members had gathered some momentum although the institutional development of ASEAN into a dynamic system of regional co-operation was regarded by many as somewhat ineffective. On the surface ASEAN remained an annual forum of regional foreign ministers who would occasionally declare agreement on the necessity of socio-economic co-operation even though true progress on such matters was not realised. The discreet nature of the ASEAN political dialogue however, dictated that an embryonic consultation process was appreciated only among limited circles, although this may have projected an image of a regional organisation with little consequence. As Dr.Charivat Santaputra, senior ASEAN diplomat has revealed:

“ Remember that when ASEAN was formed we had only an annual meeting of ministers and related contact between the foreign ministries. We did not have any direct machinery for dispute settlement. So because it was difficult for us to co-operate on those days, we had to try to become friends first, to work as neighbours. What we had was a young process of dialogue among our diplomats and after a while we saw it as a positive thing for ASEAN. We also realised how being informal and talking without arguments seemed to work. This was a good lesson for our diplomatic offices who were also beginning to become familiar.”³⁷

The recognition that ASEAN was able to develop a sense of community between the member states (albeit at an introductory stage) and that there was indeed some progress in regional confidence-building was confirmed by Singapore's Prime Minister Lee Kuan Yew's remark, when addressing a meeting of foreign ministers in 1972, that:

“Perhaps the most valuable achievement of ASEAN since its inception was the understanding and goodwill created at the

being taken to ASEAN meetings. ASEAN officials would usually bring forward an issue and send out 'feelers' to other members to ascertain whether an issue should be placed on the agenda. Some manipulation and informal bargaining would then be carried out, which often resulted in members adjusting their positions to reach a consensus. It is here where the ASEAN network of diplomatic officials operates. If modification of positions was not attainable, then the issue was dropped. More important issues were usually taken up at the Ministerial level.

³⁷ Interview with Dr.Charivat Santaputra, CSCAP (Council for Security Cooperation Asia Pacific) Meeting on Preventive Diplomacy, Bangkok, March 1999

*various ASEAN meetings which had helped to lubricate relationships which could otherwise have generated friction.*³⁸

The fundamental point to understand about ASEAN's approach to conflict management during these formative years was the process in which it developed. Although at the time of formation the ASEAN states did not desire or design an elaborate conflict management system (no specific mechanism for dispute settlement was provided), they did aspire for some momentum of co-operation to evolve between the member states. But as such relationships did not immediately flourish, ASEAN had to settle for a slower pace of intra-mural political co-operation. The member states eventually found a way to interact with each other and this was through a habit of communication within a network of senior officials and regional leaders - a process which served as a crucial confidence-building mechanism. In essence they engaged in functional co-operation, in the face of lingering differences, to develop working relations with each other. This was the 'ASEAN way' of conflict management in its earliest form.³⁹ In the following years, a process of intergovernmental dialogue through these channels saw the strengthening of informal ties within the ASEAN diplomatic network which gradually encouraged the organisation's diplomatic community-building traditions. However this pattern of development would take time and another test to ASEAN political co-operation, namely the conflict in Indochina and the Vietnamese invasion of Cambodia in 1978.

³⁸ *ASEAN Document Series, 1967-1985*, ASEAN Secretariat, Jakarta, 1985, p.42

³⁹ For a critical review of ASEAN's conflict management mechanism during these early years, see Mely Caballero-Anthony, 'Mechanisms of Dispute settlement: The ASEAN Experience', in *Contemporary Southeast Asia*, Vol.20, No.1, April 1998, pp.38-66

II. The Conflict in Indochina and the Manifestation of the ASEAN way

Until the communist victories of 1975, ASEAN slowly established itself as a forum where a habit of co-operation was beginning to evolve between member states. However with the rapid change to the political leadership in Indochina, ASEAN was suddenly presented with its first real test as a regional organisation. This time ASEAN's emerging political dialogue process faced two key challenges. The first task was to maintain a collective political stance among the member states towards a communist Indochina. The second task was to try and bring communist Indochina into the ASEAN system of conflict avoidance and confidence-building. This was to be done by developing open channels of communication with the Indochinese states so that a trend of dialogue would be created that would lead to a framework of peaceful co-existence within the region. However ASEAN's attempt to extend its own approach of intra-mural conflict management to the Indochinese states would not prove to be so straightforward. Developing a trend of functional co-operation between ASEAN and communist Indochina was to be an elusive achievement for many years.

A.) Political Transformation in Indochina and Forming the Treaty of Amity and Cooperation

The Communists' victories in Phnom Penh and Saigon in 1975 were considered by the ASEAN members as a profound transformation in the security environment of the region. The organisation's response to such events was the first ASEAN Heads of Government summit in 1976. At first it was expected that the outcome of this historic gathering would give life to some sort of collaborative defence pact between the ASEAN governments. But this did not occur for a number of reasons. First the Indochina conflict was seen by the ASEAN members as not only a potential military threat to security, but more importantly as a wider, more comprehensive security concern involving the

overall political, social, and economic challenges apparently posed by a communist Indochina. Of particular concern was the threat of communist insurgency within the ASEAN states fuelled by the recent political change in Indochina, and of course the possibility of a destabilising exodus of Indochinese refugees. For ASEAN, responding by postulating a military agenda would have only antagonised further the Indochinese states, thereby fuelling deeper the prospect of major power intervention. Second, ASEAN states did not share the same perspective over the implications of such a political change in Indochina as a result of diverging security perceptions. Third it was not clearly explicit at the time that the victories of communism in Indochina would result directly in an aggressive military posture from Kampuchea or Vietnam. Fourth, and perhaps most importantly, is that a collective defence pact would have limited to the chances of engaging the Indochina states in a process of dialogue or confidence-building.

The ability to engage Indochina in a dialogue process called for ASEAN political solidarity to construct an appropriate diplomatic approach towards Indochina. This was not easy for the ASEAN states. Although the member states of ASEAN shared a common sense of apprehension over the dramatic political change in Indochina, they did not maintain a common position on the principle source of external threat to the region resulting from such a turn of events. The main division was between Bangkok and Jakarta over which entity constituted a greater security threat to the region, Vietnam or the Peoples Republic of China (PRC). Thailand took the position that a united Indochina under Vietnam was more of an immediate threat to the region and thus should be counterbalanced by China. Conversely Indonesia (which had suspended diplomatic relations with China in 1967) viewed China as a greater threat to the region whose influence could possibly be lessened by a regional entity such as Vietnam. (Furthermore, Indonesia had the perception that Vietnam's communists were more or less nationalists, arising from their challenge to French colonialism in 1945 concurrent with Indonesia's own struggles with the Dutch, and thus sharing similar revolutionary beginnings.⁴⁰) Malaysia, despite a previous attempt to forge

⁴⁰ Leifer, M., *ASEAN and the Security of Southeast Asia*, p. 59

a relationship with Beijing for internal political purposes, adopted a perspective similar to that of Indonesia. This was on account of a general perception that China was to pose a greater security threat to the region, and the desire to promote a special relationship with Vietnam. Singapore however, viewed Vietnam as a more immediate security threat, a reflection of its desire to encourage a continuous United States regional security role. On the other hand the Philippines did not show any pressing concern regarding China or Vietnam as an immediate security threat. It was protected by a mutual security treaty with the United States and had no intention of engaging in any intra-mural differences that would distract Manila from internal difficulties nation building.

Although such varying foreign policy dispositions would later come to limit ASEAN's participation in the Indochina conflict, they did not, at the outbreak of political change in Indochina, place unacceptable strain on intra-mural relations.⁴¹ With a developing trend of consultation among ASEAN foreign policy makers and a general sense of political co-operation, the member states were able to provide a collective response in the form of the first ASEAN summit. The creation of the first ASEAN heads of government summit served the purpose of reaffirming the emerging system of dialogue within ASEAN framework whilst advocating the need for further political co-operation between the members. It also served the purpose of projecting ASEAN as purposeful grouping with the determination to strengthen solidarity among its members.⁴² This was supported by the adoption of the Treaty of Amity and Cooperation of Southeast Asia - a doctrine declaring an institutional code of conduct regarding the peaceful settlement of disputes. The signing of the Treaty of Amity marked a watershed for the development of ASEAN in that it represented the first declaration of an ASEAN system of dispute settlement and conflict prevention. But for the members of ASEAN, the Treaty of Amity was also an attempt at engaging Indochina in the process of confidence-building based on the group's diplomatic traditions. It was a way of seeking accommodation with communist Indochina by conveying a willingness to co-operate and to develop a relationship

⁴¹ *Ibid*, p.65

⁴² Hoon, K.G., 'The Evolution of ASEAN' in, Sandhu, K.S, S Siddiques, C.Jeshrun, A Rajah, J.L.H Tan, and P.Thambipilai (eds.) *The ASEAN Reader*, Institute for Southeast

based on mutual respect for territorial integrity, sovereignty and national identity. Although it has been suggested ASEAN should have developed a stronger position towards communist Indochina, the Treaty of Amity should at least be viewed as a way for ASEAN to convey the chances for no-confrontational coexistence in the region. The clear indication that the Treaty was intended as a mechanism for building links between ASEAN and the Indochinese states was in Article 18 where it is stated that Treaty is “open for accession by other states in Southeast Asia”.⁴³

At first glance the Treaty of Amity and Cooperation in Southeast Asia seemed as a vehicle for the ASEAN states to reiterate their commitment “to strengthening national resilience in political, economic, socio-cultural as well as security fields”. But more importantly it set out a basic code for interstate relations in the region, stressing the inviolability of national sovereignty and territorial integrity and the peaceful settlement of disputes. In particular, the issue of safeguarding national sovereignty was to be a sacrosanct aspect of ASEAN’s code of conduct. Not only did this imply that the ASEAN states themselves would not interfere in each others’ domestic affairs, but it also was an indication to Communist Indochina that regardless of a key difference in political doctrine, ASEAN would still respect national sovereignty and hence would not interfere in the domestic affairs of its immediate neighbours. A whole chapter (drawn from the UN Charter) is dedicated to the pacific settlement of disputes whereby such clauses as “refraining from the use or the threat of force” and “appropriate measures for the prevention of the deterioration of a dispute or situation’ are mentioned”.⁴⁴ This was important in conveying to the communist governments of Indochina that ASEAN and its members would not resort to the use of force to address a conflict situation, despite the fact that most ASEAN members maintain bilateral defence arrangements with external powers. (The Treaty even makes provisions for the creation of a ‘High Council’ to monitor conflict situations or “take cognisance of existing disputes or situations likely to

Asian Studies, Singapore, 1992, p.41

⁴³ See Appendix A, The Treaty of Amity and Cooperation in Southeast Asia.

⁴⁴ See Appendix A. See especially Chapter IV of Treaty of Amity and Cooperation,

disturb regional peace and harmony”. In this case the ‘High Council’ also has the role of recommending to the parties in conflict, the means of settlement through good offices, mediation, inquiry or conciliation and may form itself into a committee of mediation when necessary. We should observe here how ASEAN mentions early-warning practices and the use of diplomatic good offices for its’ conflict management machinery. The establishment of such principles may have given the perception that ASEAN would adopt an active conflict management agenda. But it should be stressed that its real intention at the time was to convey the possibility of developing co-operative relationships with the Indochinese states.)

Following the adoption of the Treaty of Amity, it was still difficult for ASEAN to convince Vietnam of its intentions for co-operation and political communication. Vietnam refused to acknowledge ASEAN as a corporate entity and rejected the Treaty of Amity. Another indication of Hanoi's unwillingness to become involved in a new regional order on ASEAN's terms came in August 1976, when Laotian and Vietnamese delegates at the Non-Aligned summit in Colombo attacked ASEAN's ZOPFAN proposal, claiming that it was designed to 'resuscitate the past' by camouflaging an intensifying 'American war of aggression in Indochina'.⁴⁵ Although Thailand eventually responded to this by suggesting the withdrawal of US forces from its territory, Vietnam was not receptive and maintained suspicion and hostility towards ASEAN. As such both sides made only limited progress in fostering any co-operative working relationships. The problematic relationship between ASEAN and Indochina was further compounded by Vietnam's allegations that the continuing ASEAN KISTA seminars (a series of annual seminars on security attended by ASEAN senior military and civilian officers) were nothing more than preliminary measures for turning the organisation into a formal military alliance.⁴⁶

When the Sino-Soviet split dramatically altered the strategic and security equation of communist Southeast Asia, ASEAN had still not made significant

entitled 'Pacific Settlement of Disputes'.

⁴⁵ Huxley, T., *op cit*, p. 88

⁴⁶ Jeshrun, C., *op cit.*, p.44

progress on reaching an understanding with Vietnam.⁴⁷ The ASEAN ministerial meeting in Singapore of 1977 produced nothing more than a statement reiterating previous commitments set forth in the Treaty of Amity, while a special meeting to commemorate the 10th anniversary of the organisation emphasised how the exchanges of diplomatic and trade visits at high levels had enhanced the prospects of improved relations between ASEAN and the countries of Indochina. However with the inter-communist rivalry in Indochina reaching a critical point by 1978, it was clear that new attitudes towards ASEAN were developing within this division. In particular, Vietnam appeared not to demand such a major role in determining the ground rules for relations within the region and even pledged not to assist in any further regional insurgencies.⁴⁸ In the hope that a region-wide mood of quiescence would be sustained, Vietnamese premier Pham Van Dong also embarked on state visits to all the ASEAN capitals and proposed the ratification of several 'Treaties of Peace and Friendship' to the ASEAN states. However, aware that any one-sided gesture for reconciliation would eventually disrupt the prospect of maintaining communication links with Hanoi and Phnom Penh and concerned that China would view such an initiative as a first step in drawing the organisation into a Soviet-Vietnamese led entente, the ASEAN members chose not to be drawn into the emerging conflict in Indochina by rejecting Hanoi's offer of bilateral non-aggression pacts and friendship treaties.⁴⁹ At the minimum though, the relaxing of tensions during this period as well as a recognition by both sides of a region wide notion of a Southeast Asian Zone for Peace Freedom and Neutrality (ASEAN's ZOPFAN)/Zone of Peace, Genuine Independence, and Neutrality (Vietnam's ZOPGIN) did allow for some improvement in bilateral relations between Vietnam and the ASEAN members, especially with the establishment of limited dialogue.⁵⁰

Although it has been suggested that the key accomplishment for the ASEAN states with regard to the communist victories in Indochina was their ability to act as collective unit in the face of intra-mural differences, it is also

⁴⁷ ASEAN's response to the conflict within Cambodia under Pol Pot will be discussed later in the chapter.

⁴⁸ Huxley, T., *op cit.*, p. 91

⁴⁹ Simon, S.W., *op cit.*, p.82

important to recognise that despite the availability of specific conflict prevention mechanisms set out in the Treaty of Amity and Cooperation, ASEAN's conflict management machinery strictly stood as a system of political communication (that was supported by a network of senior officials). In other words it was an approach to conflict prevention defined by the institutional philosophy that internal affairs were off limits to any interference by the organisation and its members. This must be considered as an important development in the evolution of the 'ASEAN way' to conflict management. It was explicitly clear from this doctrine that ASEAN was an organisation which worked with conflict management operations only at the interstate level.

On this one-dimensional character of ASEAN's conflict management apparatus, Chandra Jeshrun reminds us that the ASEAN system did not have either the capacity nor the intent to develop into a systematic mechanism of conflict prevention in Dag Hammarskjold's sense.⁵¹ What then must be recognised is that the ASEAN system of confidence-building (and in effect preventive diplomacy) did not play any role in addressing a number of regional conflict situations during this era, in particular the violent campaign of genocide in Cambodia under the Pol Pot regime. Here perhaps the most fundamental drawback of the 'ASEAN way' is clearly seen. In this case the Treaty of Amity and Cooperation, the key doctrine which informs ASEAN's conflict management system, contains an important restriction. While it mentions a High Council with preventive diplomacy capabilities, it proclaims a creed of non-interference and non-intervention in the domestic affairs of another country. In essence this leaves the organisation's conflict prevention agenda restricted to only conflicts at the inter-state level, regardless of the fact that a number of violent conflicts in the region have been internal by nature. ASEAN's inability to develop a position towards the humanitarian crises in Cambodia under Pol Pot (and also the annexation of East Timor by Indonesia) has often been overlooked when considering the organisation's conflict management history. When the Khmer Rouge came to power in 1975 and subjected the Cambodian people to a terrible

⁵⁰ Weatherbee, D., 'The ASEANIZATION of Vietnam' in *East Asian Security in the Post Cold War Era*, M.E. Sharpe Inc., New York, 1993, p. 68

⁵¹ Jeshrun, C., *op cit.*, p 46

ordeal of ethnic and political persecution, ASEAN was visibly absent from taking any initiative in thwarting this humanitarian crisis.⁵² Though the ASEAN states may have expressed a sense of concern in their own individual capacities, the organisation did not.

There have been a number of inter-related explanations why ASEAN failed to take any initiative in this humanitarian crisis. These range from the fact that ASEAN had chosen to recognise the Khmer Rouge government when it first came to power (and was allied with Prince Norodom Sihanouk, Cambodia's head of state), to the fact that the ASEAN members had publicly declared a staunch commitment to the Treaty of Amity, in particular the principle of non-interference.⁵³ Because the atrocities committed by the Pol Pot regime took place over time and that the Khmer Rouge attempted to conceal such events from the international community, ASEAN in the end, did not conjure up the collective political will to take any action against the Pol Pot regime. At the same time, the regional organisation favoured the option of trying to engage communist Indochina in a process of functional co-operation, regardless of such cases of internal instability. Although it would be fair to say that this strategy reflected ASEAN's relative inexperience, it nonetheless symbolised an important character of the organisation's conflict management traditions. By placing considerable emphasis on their collective identity (particularly through adherence to the principles associated with the sole doctrine informing the functioning of the organisation) and by favouring functional co-operation as a way to develop working relations between disputing parties, the ASEAN states affirmed a one-dimensional approach to conflict management. The point is that having a

⁵² Under the leadership of Pol Pot, the Khmer Rouge sought the total transformation of the Cambodian society in the name of revolutionary idealism. For this purpose the Pol Pot regime employed a campaign of terror and violence. This three-year reign of atrocities (1975-78) saw the murdering of the country's political and religious elite and the forced mobilisation of the urban population into agricultural communities. Pol Pot's attempt to transform Cambodian society into a Marxist model of society also saw the eradication of family life and the Buddhist religion banned. This humanitarian crisis in Cambodia represents one of Southeast Asia's most violent intra-state conflicts. During Pol Pot's regime, it is estimated that one million Cambodians died from execution, hunger and disease. It was ended when Vietnam invaded Cambodia in December of 1978. For many, though the Vietnamese intervention was an illegal action, it nonetheless put an end to Pol Pot's gruesome killing fields.

⁵³ Adherence to this principle has also been cited as a main reason why ASEAN did not take a position when Indonesia annexed East Timor in 1975.

regional conflict management system premised only on confidence-building at the inter-state level clearly foreshadowed ASEAN's limited role in more difficult regional conflict situations. And given the destabilising nature of regional security in Southeast Asia then, it was only a matter of time before the 'ASEAN way' was again put to a severe test. Within a few years though, the ASEAN system of conflict management would face another difficult challenge to regional security. This was the invasion of Cambodia by Vietnam.

B.) The Third Indochina Conflict and the Consolidation of the ASEAN Way

In December of 1978 the Vietnamese army invaded the neighbouring Communist state of Democratic Kampuchea (as Cambodia was known then), overthrowing the notorious government of Pol Pot and replacing it with an administration backed by Hanoi. The ASEAN states had not successfully anticipated such an act of aggression, given the recent diplomatic gestures by Hanoi indicating the possibility of dialogue and a sense of regional order. In fact, the Vietnamese invasion was a culmination of events involving deepening political contention between Phnom Penh and Hanoi. This divide grew out of ideological differences and a diametric pattern of major power alignment which saw Vietnam forge close links with the Soviet Union and Kampuchea strengthening ties with China. The invasion and occupation of Kampuchea added a significant jolt to ASEAN perceptions regarding the security of mainland Southeast Asia. For the ASEAN governments, the Vietnamese invasion of Kampuchea represented a principal violation of the public philosophy of ASEAN. This was the institutional philosophy that a commitment to the sanctity of national sovereignty was designed to serve as a code of conduct for ordered regional relationships. It also represented the first time such a grouping of states had to deal with an external military threat as a collective entity.

For the next twelve years (until the end of the Cold War), the Cambodian crisis became the central focus of ASEAN's international diplomacy and internal activities, and the most important test for the organisation's conflict management

capabilities.⁵⁴ It was through this experience that the strengths and indeed the limitations of the ASEAN approach to conflict management became clearly noticeable. At the time of Vietnam's invasion, ASEAN was merely an emerging diplomatic community which had the role of promoting political communication within the region. It was not a formal defence pact but a regional organisation possessed with a code of conduct (the Treaty of Amity and Cooperation) that did not condone interference in the domestic affairs of another state or the use of force to settle political disputes. The central question facing the ASEAN states was therefore, how was the organisation's conflict management machinery going to handle this immediate threat to regional security?

It is not difficult to assume that, ASEAN was rather limited in addressing the conflict in Cambodia, regardless of how pressing was the security threat posed by Vietnam's act of aggression. After all, the organisation had already proven to be inconsequential in responding to the humanitarian crisis in Cambodia during the rule of the Pol Pot regime. In spite of this ASEAN was compelled to find a way to play a role in preventing Hanoi from continuing with any further aggressive intentions. For this, ASEAN's conflict management system had two approaches. First since diverging security perceptions prevented ASEAN from being completely united in its approach to Vietnam, the member states needed to consult closely to maintain a common position throughout the conflict management process regarding Cambodia. The crucial point was that having this common position was essential for ASEAN in sustaining international pressure on Vietnam to reverse its act of aggression and to compel Vietnam into considering a process for conflict settlement. For this priority Multhiah Alagappa has further suggested that the key objectives for ASEAN were to keep the issue of Vietnam's illegal intervention in the political limelight in the United Nations, to structure the international debate of the issue on ASEAN's terms, to deny consolidation to the Vietnamese installed Peoples Republic of Kampuchea (PRK) regime, and to mobilise the resources of key external actors in support of the ASEAN position.⁵⁵ In addition ASEAN

⁵⁴ Naurine, S., *op cit.*, p. 204

⁵⁵ Alagappa, M., 'Regionalism and the Quest for Security: ASEAN and the Cambodian Conflict', in *Contemporary Southeast Asia*, Vol.6, No.2, 1993, p.189

attempted to engage Vietnam in the dialogue process in the hopes that Hanoi could be drawn into a regional system of conflict avoidance and functional cooperation. This was ASEAN's attempt to extend its own process of intra-mural conflict management to Vietnam so that a process of conflict settlement, on ASEAN's terms, could perhaps be initiated. In the event, ASEAN was more successful with its first strategy than its second. On the one hand the member states learned to co-operate at a level they had never achieved before in order to keep the issue at the forefront of the international agenda. For this ASEAN gained status as an increasingly important international actor with prominence as a diplomatic community. On the other hand ASEAN was unable to have a direct impact in bringing Vietnam to consider a change in policy as the conflict was ultimately settled outside of the ASEAN peace process. It is important to see how ASEAN's unsuccessful attempts to instigate a conflict settlement process in Indochina left the organisation with no other choice but to maintain a collective political position against Vietnam. A review of ASEAN's experience with this conflict would also reveal how the organisation eventually sought to engage Vietnam in a process of functional co-operation as a way to encourage peaceful coexistence.

Soon after Vietnam's intervention into Cambodia, the spotlight of the international community focused on an ASEAN reaction. But as the ASEAN states did not share a common position of how Vietnam would fit into Southeast Asia's framework of regional order, it was not totally far-fetched at the time to assume that ASEAN would experience difficulty in arriving at a collective response to Vietnam's *fait accompli*. From Thailand's position, the Vietnamese occupancy of Kampuchea represented an unprecedented historic challenge to the balance of power in mainland Southeast Asia. The sudden prospect of a unified Indochina under Vietnamese leadership clearly foreshadowed Thailand being in a subordinate position and was therefore perceived in Bangkok as a threat to the very independence of the Thai state. This called for nothing less than a direct challenge to Vietnam's assertion of dominance. The unilateral Thai response first involved seeking an arrangement with Beijing to lend support to the Khmer insurgents, a reinstatement of a United States security guarantee and the securing of diplomatic access to Vietnam's patron, the Soviet Union. The development of

close ties between Bangkok and Beijing in this case, generated misgivings within ASEAN (especially for Indonesia) and became a key factor affecting collective solidarity. At the same time Singapore also took a strong hostile position towards Vietnam. For Singapore the ability of the Soviet Union to project influence into the region, through Hanoi, pointed to a sense of neglect by Washington of the security of Southeast Asia. This was seen as a major disruption to the objective of maintaining a stable balance of power in the region, in which the United States military was to play a key role. Singapore's show of disapproval towards Vietnamese expansion therefore served the purpose of alerting the United States, and indeed the international community, to the vulnerabilities facing the region.

With the expansion of Vietnam's influence posing as a less immediate threat to the territorial integrity of Indonesia and the perception that China was in the long run, a greater potential source of regional instability, Indonesia identified with a contrasting position. The question facing Jakarta was whether to approach Vietnam to seek a sense of regional order on their own terms or whether to accommodate Bangkok's position as the front-line state. Meanwhile Malaysia saw itself closely in alignment with the Indonesian position even though it was involved in a territorial dispute with Vietnam over the Spratly Islands. For Kuala Lumpur, China was identified as a more imminent source of regional insecurity, this in light of internal insurgency difficulties which drew on support from the Chinese constituency and the refusal of China's Communist Party to withdraw support for the Communist Party of Malaya. (The Philippines, given its maritime insulation from Indochina and existing difficulties with both Hanoi and Beijing, predictably claimed an intermediate position.)

In arriving at a common political front to oppose Vietnam's intervention, the ASEAN state's initial response was a statement which merely "deplored the current escalation of the Indochina conflict" without even naming or denouncing Vietnam. However the ASEAN states soon came to agree upon the notion that the invasion of Cambodia represented a violation of two cardinal ASEAN security norms - non-intervention in the internal affairs of another country, and the non-use of force to resolve political disputes. This being the case, the ASEAN states had to respond collectively and definitely. At an emergency

meeting in Bangkok, deliberations eventually produced a stronger ASEAN position which recalled Vietnam's pledge to ASEAN members to respect each other's independence, deplored the armed intervention against Cambodia and called for the immediate and total withdrawal of foreign forces from Khmer territory. The five governments came to an understanding that they could not afford to endorse, even by default, such a blatant violation of national sovereignty without damaging the credibility of ASEAN. To have done so would have merely indicated tolerance for a precedent with disturbing implications for the security of all member states.⁵⁶

Stronger ASEAN condemnation of Vietnam followed several months later, this time triggered by Vietnam's decision to instigate the exodus of refugees (who were predominantly ethnic Chinese) throughout the region. The issue of refugees was perceived as a threat to social and political order, in particular by Malaysia, Indonesia and Singapore, though this was resented somewhat by Thailand who was already burdened with land refugees from Laos and Kampuchea. But instead of Vietnam being able to bring further divisions into ASEAN, the organisation's members established a threshold by condemning this initiative as not only inhumane and an attempt to destabilise the region by disrupting its ethnic balance, but also as an ominous Vietnamese plan to encourage this instability as a prerequisite to invasion (with Thailand being the first target).⁵⁷ It has been suggested that in this case, ASEAN's staunch rhetoric towards Hanoi was also an expression of support that was designed to demonstrate that Thailand had regional backing and did not stand alone. However as ASEAN increasingly pushed for a greater role in determining the outcome of the Indochina conflict, intra-mural difficulties (involving the rest of the member states trying to find accommodation with Thailand's position as the front-line state and the magnitude of Bangkok's influence over ASEAN's agenda) inevitably occurred.

In particular Indonesia was concerned over the declining prospects of its leadership while in Malaysia, discontent was resurfacing over its thwarted

⁵⁶ Leifer, M., *ASEAN and the Security of Southeast Asia.*, p.89

⁵⁷ Simon, S.W., *op cit.*, p. 66

previous attempts to engage unilaterally with Hanoi. The private dissenting view expressed in Jakarta and Kuala Lumpur was that despite the need to uphold the principle of national sovereignty, there were practical dangers involved in pursuing a policy of diplomatic confrontation with Vietnam.⁵⁸ Of particular concern were the implications surrounding a stronger Soviet-Vietnamese alliance and the probability of a reciprocal relationship between Thailand and China. For a number of observers, apprehension was expressed that ASEAN's engagement in the conflict in this way would eventually serve to entrench the rivalries of external powers, so returning the region to the condition which it had experienced during the first two Indochina wars - of regional subordination and not regional autonomy.⁵⁹ For Thailand however, its predicament was clear. As the front-line state, the threat of Vietnam as an aggressor had not diminished and therefore a confrontational approach, even if for the sake of deterrence, was perceived to be Bangkok's only viable option. In an interview on the Cambodian conflict, Air Chief Marshal Siddhi Savetsila, then Thai Foreign Minister revealed to Professor Khien Theeravit:

*" Our perception of the Vietnamese threat was based on our intelligence collection which indicated that Vietnam was targeting Thailand after it had successfully dominated Laos and Cambodia. In 1980, Ngyuen Co Thach, the Foreign Minister of Vietnam, made a veiled threat that only Vietnam could guarantee Thailand's sovereignty and independence, thereby implying that Thailand must bow to Vietnam's will or else. Our intelligence also reported that Vietnam's leaders who encountered some ranking CPT(Communist Party of Thailand) members promised to help liberating parts of the Northeast if the CPT would accept some Lao troops disguised as CPT insurgents. As for the Cambodian war, if and when, Vietnam could control all of Cambodia, Vietnam would have been likely to use Cambodia as a base or a springboard for actions against southeastern provinces and some parts of Thailand's eastern provinces."*⁶⁰

Given this, Thailand's seemingly unalterable position eventually became a source of friction within the organisation. This was particularly so when considering the Indonesian and Malaysian proposition of the Kuantan principle.

⁵⁸ Leifer, M., *ASEAN and the Security of Southeast Asia*, p. 102

⁵⁹ *Ibid.*, p.100

⁶⁰ Theeravit, K., 'Inside Thailand's Foreign Policy: An Interview with Air Chief Marshal Siddhi Savetsila, Minister of Foreign Affairs of Thailand' in *Asian Review*, Vol.5, Institute of Asian Studies, Chulalongkorn University, Bangkok, p. 34

In 1980 the Indonesian and Malaysian governments (without the consent of the other ASEAN states) initiated the Kuantan principle for solving the Thai-Indochina confrontation. This was a proposal that rejected China's previous policy to bleed Vietnam white and called for the reintroduction of ZOPFAN by pointing out that Hanoi had to alter its alignment (with the Soviet Union) if the region's independence was to be maintained.⁶¹ The Indonesia-Malaysian alliance further suggested that if Vietnam accepted the Kuantan principle and withdrew its forces from Thailand, ASEAN would recognise Hanoi's Heng Samrin regime in Cambodia and by implication, Thailand would cease supporting the Khmer Rouge. In its purest form, the Kuantan principle was an attempt to restore the regional balance that existed prior to Vietnam's invasion of Cambodia when neither China nor the Soviet Union was deeply involved in Southeast Asia.⁶² But because the Kuantan principle represented only the pro-Vietnamese position within ASEAN, it did nothing more than to polarise the divisions within ASEAN regarding the Cambodian situation, thus causing a serious setback to the organisation's political cohesion. Thailand rejected the Kuantan proposal and so did Vietnam with even greater hostility. It was consequently allowed to lapse as a result of the political embarrassment it had created for ASEAN and because of its obvious inoperability. Concerned at how such a miscalculation almost entirely diminished ASEAN's credibility in attempting to find a settlement to the Cambodian conflict, Indonesia and Malaysia never again adopted a concerted public stand which exposed such a breaking of ranks within ASEAN.

By the beginning of the 1980's ASEAN had achieved a measure of success in co-ordinating policies between themselves and exercising lobbying skills with its dialogue partners to produce some diplomatic finesse in the Indochina conflict, this in spite of the fact that the political situation in Cambodia had not changed. The key point is that there was a common realisation by ASEAN members that some form of working accommodation to maintain the issue at the forefront of the international agenda was needed. This was vital in order to keep the pressure on Vietnam to consider seriously the alternative of conflict settlement premised on a withdrawal from Cambodia. This objective was

⁶¹ Simon, S.W., *op cit.*, p. 69

⁶² *Ibid*, p.71

reflected by Asda Jayanama, senior ASEAN diplomat, when he made the point that

“ We did not disagree on the fact that Vietnam’ s act of aggression had to be reversed and that we had to prevent any further aggression. The question was how? If the ASEAN group was to have made any consequential effect on the Cambodian situation we had to bring the international community to our position. You can even say that because we could do little else, we had to seek international assistance. But this was conditional as well. You can not create effective international political will without being united on the issue yourself. We came to the general understanding that this may be the more pragmatic approach. ASEAN was not able to handle the Vietnam situation on its own because we were also dealing with external powers. The issue was providing a collective will to voice concern for the issue internationally and this called for cooperation between the members, regardless.”⁶³

For ASEAN, the challenge was to remain as an active diplomatic community with a firm position advocating the capitulation of Vietnam. With the dialogue process playing a central role, ASEAN was able to gain support from its immediate dialogue partners (the United States, the European Community, Japan, Australia, New Zealand and Canada) to mobilise international support for its cause. The ASEAN states also used their membership in the Organisation of Islamic Conference, and the Commonwealth for this purpose. Second, ASEAN’s position on Indochina was eventually supported by the non-aligned countries as no non-communist government, with the sole exception of India, recognised the Hanoi-backed Heng Samrin regime in Phnom Penh. Moreover, the United States, Japan, Australia, New Zealand met regularly with their ASEAN counterparts to co-ordinate diplomatic positions on the Southeast Asia conflict. Importantly the ASEAN states used their membership in the UN to bring to international attention, the organisation’s proposals for a comprehensive political settlement of the conflict. This was marked by the UN sponsored 1981 International Conference on Kampuchea (ICK) where a declaration was adopted outlining the principles for negotiating a comprehensive political settlement.

⁶³ Interview with Ambassador Jayanama, Wellington, New Zealand, June 1995.

ASEAN's proposals at this conference called for a cease-fire by all parties to the conflict, the withdrawal of Vietnamese forces to be supplanted by an independent preventive force or the dispatch of peacekeeping forces, the disarmament of all Khmer factions, and the establishment of an interim administration in advance of supervised free elections. Despite the fact that the ASEAN proposals at the 1981 United Nations conference did not amount to any practical measures, particularly since the conference was boycotted by the Soviet Union and Vietnam and differences emerged between ASEAN and China, it was nonetheless a significant diplomatic achievement for ASEAN. The organisation had managed to instigate an international response to the Cambodian conflict that would precipitate further engagement and concern by the international community. As a result ASEAN was able to keep the spotlight on the issue in the United Nations framework year after year, with sponsorship for the organisation's drafted resolutions on the conditions for political settlement in Kampuchea continuously increasing.⁶⁴

On the other hand, ASEAN was less successful in persuading Vietnam to engage in the organisation's process of political dialogue. Along with the policy of keeping the Cambodian conflict in the spotlight of international attention, ASEAN attempted on a number of occasions to bring Vietnam into its dialogue process so that a framework of confidence-building, albeit of an rudimentary kind, would develop. This was relatively an unsuccessful endeavour for the organisation. ASEAN came up with a number of approaches to Vietnam but not with substantial progress. A key reason, besides the fact that Vietnam was not a part of ASEAN and therefore was not obligated to adhere to ASEAN's code of conduct, was that the organisation was not able to propose a political solution

⁶⁴ The fact that the same principles were adopted at the 1991 International Conference on Cambodia, where the terms for a political settlement were finally agreed, was a reflection of ASEAN's achievements in this area. The important point is that for the remaining years of the conflict, ASEAN was able to maintain and expand the level of international debate on the issue, an achievement which eventually saw the United Nations take the leading role in conflict settlement in 1991. In this light Amitav Acharya has concluded that the true contribution of ASEAN in the third Indochina conflict was its ability to generate and sustain international pressure on, and indeed participation in the process of conflict settlement. See Archaya, A., 'The Association of Southeast Asian Nations: Security Community or Defence Community' in *Pacific Affairs*, Vol.69, No.2, 1991, p.116

that would address the security concerns of all parties involved. For ASEAN the condemnation of Vietnam's aggression indirectly implied corporate support for the politically unattractive Pol Pot regime. This was a key obstacle to achieving any preliminary political dialogue with Hanoi. Although ASEAN eventually came to the declaration that reinstating Pol Pot was categorically not part of ASEAN's agenda, the organisation still had the difficulty of conjuring up an alternative that would be acceptable to the parties involved. For one thing China still maintained its support of the Khmer Rouge while the prospect of a credible non-communist political alternative proved extremely problematic. On the other hand Vietnam would not take anything less than an alternative detached from Chinese patronage.

ASEAN tried proposing a compromise to China that would see a coalition government in Phnom Penh, but with a diluted Khmer Rouge presence. Shuttle diplomacy between Thai Prime Minister Prem Tinsulanond and Singapore Prime Minister Lee Kuan Yew with the leadership in Beijing eventually gained endorsement from China to agree to such a formula. But this was further complicated by a refusal on the part of any Khmer faction to enter into partnership with the Khmer Rouge. The Khmer Rouge reciprocated by claiming that it would not give up its leadership position to any other Khmer faction. In the midst of all this, ASEAN pressed on with searching for a political opening in the Cambodian conflict.

At the ASEAN ministerial meeting in Singapore of 1982, it appeared that an acceptable formula for a Khmer coalition government was taking shape with the non-communist Khmer factions, lead by Prince Norodom Sihanouk, expressing the will to accept an arrangement. However, this did not take immediate effect as it was rejected by Hanoi. The following years were therefore spent trying to seek alternative arrangements that would initiate a conflict settlement process. Subsequent frustration within ASEAN over the diplomatic impasse on the issue led to a number of unilateral efforts to find a solution. These included a Malaysian initiative in 1983 for an alternative dialogue formula, and a suggestion by Indonesia in 1984 indicating an accommodating approach to Vietnam. These had the effect of straining intra-mural relations as in both cases,

the organisation's consultative process was bypassed. To add to this, emerging personality clashes among some ASEAN Foreign Ministers further undermined organisational cohesion on agreeing to a formula for comprehensive conflict settlement. Although both Malaysia and Indonesia managed to refrain from making further unilateral suggestions (which had the effect of restoring a sense of collective unity), it was apparent by then that the organisation was beginning to run out of ideas. ASEAN's momentum in preserving continuity with the Cambodian peace process was gradually deteriorating. In 1985 ASEAN again proposed proximity talks between the Khmer factions and Vietnam while reiterating a commitment to a settlement formula with United Nations participation. Again this was rejected by Vietnam.

It would take almost a decade from Vietnam's invasion before any real progress towards conflict settlement could take place, but not as a result of ASEAN's initiatives. By 1987, despite a lingering diplomatic impasse, a number of changes in the international system were beginning to indicate the possibility of a restored impetus to the settlement of the Cambodian situation. This came in the form of a gesture from Moscow for the normalisation of relations with Beijing, and internal political change within Vietnam. Although the change of leadership in Hanoi did not bring forth any immediate alteration of Vietnam's position on Cambodia, it did bring the recognition by Vietnam of an urgent need to consider economic reform. Given that the ASEAN member states at the time were enjoying successful degrees of economic growth, hopes were expressed that the incentives for co-operation on this level between ASEAN and Vietnam could spin off into the political arena. In the event, a sense of optimism for the chances of a negotiated settlement, as a result of both the Soviet Union and Vietnam declaring the revival of their economies to be at the top of their priorities, was reflected and publicly expressed within ASEAN.⁶⁵ As a senior Indonesian diplomat has commented:

"The latter half of the 1980's saw many ASEAN economies grow at commendable rates. Back then the momentum of the developing global economy was allowing us to rapidly

⁶⁵ This sentiment was voiced by Singapore Prime Minister Lee Kuan Yew in his opening address to the 1987 ASEAN Ministerial Meeting.

*modernise our economies and with this came a sense of identity for ASEAN members. We were beginning to be recognised as the 'New Tigers' or the young dynamic economies of the East. I believe this had demonstration value. On the other hand, Vietnam's economic situation was stagnant and its indication for reform was seen as a positive sign for positive communication with Indochina. The threat of armed conflict to Thailand had reduced considerably too. It was at the discussions that we saw that maybe Vietnam would be willing to cooperate on this issue. There was a opportunity for us to try anyway."*⁶⁶

In light of this, the following years saw varying developments between ASEAN and Vietnam on economic dialogue. Malaysia offered technical aid upon the withdrawal of Vietnamese troops from Cambodia, Thai consumer goods were gradually finding their way into Vietnam's market through Singapore, while Indonesia began to trade directly with Vietnam. Even the Philippines signed agreements for long-term economic and cultural co-operation with Vietnam and all this before any political settlement in Cambodia took place. In particular, a change in Thailand's foreign policy stemming from General Chatchai Choonhavan's election victory as Prime Minister (1988) saw the initiative to develop commercial links with Indochina by promoting a series of gestures indicating potential economic co-operation (and abandonment of any pretence of an economic embargo) with Hanoi. In effect, this represented a fundamental change from Thailand's defensive posture into a more flexible and co-operation based stance towards Vietnam. This 'new diplomacy' towards Indochina was subsequently cemented in 1989 when Thailand established agreements with Laos for the development of communication networks, electric power enterprises and joint ventures for Laotian export industries. It has been suggested that this change in policy, indicating co-operation from ASEAN's front-line state to the Indochina conflict, had generated a positive atmosphere for subsequent dialogue with Vietnam and the prospect of normalising relations.⁶⁷ However this abrupt change in Thailand's foreign policy went directly against the ASEAN institutional position at the time, and had the effect of making the

⁶⁶ Interview with Mr. Lutfi Rauf, CSCAP Meeting on Preventive Diplomacy, Bangkok, March, 1999.

⁶⁷ Simon, S.W., 'The US and Conflict Reduction in Southeast Asia' in *Contemporary Southeast Asia*, Vol.12, No.2,1990. P.125

ASEAN position look out of place. As such it has also been argued that this had the effect of reducing ASEAN's role in the settlement of the conflict.⁶⁸

Perhaps the only direct contribution the ASEAN dialogue process made to the international momentum to find a comprehensive political solution for Cambodia was the Jakarta Informal Meetings (JIM), first in 1988 and then in 1989. Through ASEAN's diplomatic initiatives, particularly that of Indonesia, the first JIM saw the attendance of the various Cambodian factions, later followed by Vietnam, Laos, and then the ASEAN members. The meeting laid out two crucial factors that were linked to an overall political settlement - the withdrawal of the Vietnamese which was within the framework of a political solution to the conflict, and the prevention of genocidal policies as practised by the Pol Pot regime.⁶⁹ The first meeting established a working committee of senior officials comprising all participants who were to examine the specific aspects of a political solution and then give its recommendation to the second meeting. The key topics under discussion here included the conditions for the establishment of an independent, sovereign, and non-aligned Cambodia on the basis of national reconciliation, and the participation of international observers to supervise this transition. At the second meeting in 1989 the participants came together to reiterate their collective stance on the various resolutions, thereby adding further impetus to international efforts at developing a formula for a process of conflict settlement. ASEAN's ability to hold the Jakarta Informal Meetings was also helped by favourable international conditions of advancing economic interdependence and the general easing of Cold War tensions.

It would be fair to say that by the end of the 1980s, economic developments between ASEAN members had proved to be a favourable condition affecting the development of the Cambodia peace process. The ASEAN states were then engaged in active foreign economic policies as a result of years of steady growth and modernisation. As a result ASEAN's institutional functions began to take on an economic character with increasing deliberations over trade and commerce. In this way the ASEAN members came to be viewed

⁶⁸ Alagappa, M., *op cit.*, p 202

⁶⁹ Sundararaman, S., *op cit.*, p.4

as the dynamic portion of Southeast Asia, as entities with prominence and growing stature in the international system. Not only did this have the effect of articulating a strong incentive for the conflicting parties to settle their differences so they too could share the fruits of competitive advantage, it also had the symbolic value of indicating to Indochina a genuine will on the part of ASEAN to extend such co-operative relations throughout the region. To this extent Jusuf Wanandi has argued that the wave of progress shared by the ASEAN economies, accompanied by an increase in intra-mural functional co-operation was critical in conveying to Vietnam a genuine commitment to the task of national development and regional reconciliation on the part of the ASEAN states.⁷⁰ Wanandi goes further to suggest that to a large degree, ASEAN's regional peace-building process of confidence-building was aided by favourable international conditions, namely growing interdependence and the imminent decline of the communist system world wide.

The culmination of the 1980's saw a mixture of circumstances influencing the stalled Cambodian peace process. Changes in the international system, in particular conditions suggesting the end of the Cold War, were beginning to have a profound effect on developments in the peace process. Along with a general acceleration in economic interdependence in the region, key international political developments came to favour further initiatives towards a process of conflict settlement. These included the withdrawal of Soviet material and diplomatic support from Vietnam, the Soviet Union then urging Vietnam to develop closer ties with China, the United States withdrawing its support for ASEAN-backed CGDK (Coalition Government of the Democratic Republic of Kampuchea), and Prince Sihanouk announcing an informal meeting with PRK leader Hun Sen to begin a process of dialogue. The process of regional peace making in Indochina was then addressed directly by permanent members of the United Nations Security Council. By August 1989 the conflicting parties to the Cambodian conflict, along with the Foreign Ministers from the permanent members of United Nations Security Council and a representative from the Office of the Secretary-General, met in Paris for the International Conference on

⁷⁰ Wanandi, J., 'Regional Peacekeeping: ASEAN's Role and Contribution' in *ASEAN-UN Cooperation in Preventive Diplomacy*, Ministry of Foreign Affairs, Bangkok, 1995, p.83

the Cambodian Peace Process. The conference, a French-led initiative, was precipitated by an announcement several months previously declaring that all Vietnamese troops were to be withdrawn from Cambodia regardless of the political solution. Discussions were held on four key issues and these were cease-fire conditions and a mechanism or institution to oversee the settlement process, a system of guarantees for the independence of Cambodia, the repatriation of refugees from across the Thai border, and lastly the provision of power-sharing before internationally supervised elections.

However, the 1989 Conference was ultimately suspended due to the lack of a constructive outcome. This was a result of difficulties over the role of the United Nations in the supervision of the settlement process, and the inability of the Cambodian parties and their external patrons to reach an agreement on the composition of the interim administration. Two years later (and as a consequence of the end of the Cold War), the International Conference on Cambodia in Paris in 1991 finally provided a workable solution for a conflict settlement. This involved among other things an agreement on the mandate of UNTAC (United Nations Transitional Authority in Cambodia), withdrawal and cease fire measures, principles for a new constitution for Cambodia, the repatriation of refugees, scheduled elections for 1993, and a declaration on the rehabilitation and reconstruction of Cambodia.

C.) The ASEAN Way of Conflict Management Revisited

To complete our discussions on how ASEAN's experience on regional security management during the Cold War saw the development of the 'ASEAN way' to conflict management, it is important for us to propose some salient observations. First, it is necessary to mention that the contemporary literature on ASEAN security practices throughout the Cold War is considerable, and provides us with extensive explanations on the essence of the organisation's methodology of conflict management. One position suggests that the organisational structure of ASEAN was deliberately set to be without any central

administration or formal structure so that a regional system predicated on avoiding complex security matters would allow the individual member states to direct their full efforts to the task of national development. This is based on the assumption that at the time of the organisation's formation, the ASEAN states viewed their true security problems as inward-looking and internal to each society, thereby requiring a combination of policies to achieve economic growth, domestic political stability, and the integration of their diverse ethnic groups.⁷¹ To this extent, Sheldon Simon has argued that the ASEAN formula was to eschew security problems as much as possible, leaving these problems to national action and multilateral co-operation through other channels, and above all to resist any attempts to convert the regional body into a military alliance, or other form of institutionalised security organisation.⁷² ASEAN therefore did not take the form of a problem solving organisation with hierarchical decision making systems to arbitrate member disagreements, it may be more accurately described as a conflict-avoidance system in which conscious efforts are made to contain interstate disputes.⁷³ Without the characteristics of a highly institutionalised decision making body, ASEAN has had to rely instead on a process of functional co-operation as central to regional confidence-building.

Meanwhile, other observers have proposed that any understanding of ASEAN's approach to regional conflict management during this period should take into account the notion of a 'strategic culture' that remains predominant throughout most of the Asia-Pacific region. The concept of strategic culture holds that different countries and regions approach the key issues of war, peace and strategy from perspectives which are both distinctive and deeply rooted, reflecting their different geo-strategic situations, resources, history, military experience and political beliefs. These factors profoundly influence how a country perceives, protects and promotes its interests and values with respect to

⁷¹ Simon, S.W., *The Future of Asia Pacific Security Collaboration*, Lexington Books, Massachusetts, 1988, p.23

⁷² Palmer, N.D., *The New Regionalism in the Asia Pacific*, Lexington, Massachusetts, 1991, p.45

⁷³ *Ibid*, p.6

the threat or the use of force.⁷⁴ Desmond Ball has suggested that in the Asia-Pacific region, the principal elements of the strategic culture include longer time horizons and policy perspectives than those which characterise Western thinking and planning, reliance on bilateral rather than multilateral approaches to conflict resolution and security planning, styles of policy making which feature informality of structures and process, consensus rather than majority rule, and roles for the military that go beyond national defence to include politics, economic development, and social affairs.⁷⁵ Ball goes on to suggest that such characteristics are clearly represented in the way the ASEAN states have approached regional security issues. In particular, the strict adherence to the philosophy of non-interference in the internal affairs of other states and confidence in the informal dimension of political processes have been a principal feature of ASEAN regional diplomacy.

On a similar note there have been other schools of thought stressing that the key element of the ASEAN approach is its link to the regionally indigenous decision making process called *Musyawarah*. In ASEAN parlance this 'ASEAN way' of decision-making originates from the Malay and Indonesian village practice of consultation whereby decisions emerge from discussions and consultations to form a unanimous position (*Mufakat*). This process relies mainly on a personal approach rather than decision making structures to reach an agreement. There is no voting on issues and if consensus cannot be reached through discussion, what often remains is the lowest common denominator point. In light of this, informal political networks and processes are crucial to the working of the system. It has been argued that this consensus approach to decision making is important as a conflict management mechanism for ASEAN in that it sets out to preserve peaceful relations between the member states through a well entrenched process of avoiding and containing sensitive issues before they can lead to disruptive behaviour.⁷⁶ The nature of this 'ASEAN Way' of decision making or *Musyawarah* is reflective of a common group culture

⁷⁴ Ball, D., *Strategic Culture in the Asia-Pacific Region (With Some Implications for Regional Security Cooperation)*, Working Paper No. 270 for the Strategic Defence Studies Centre, Australia National University, Canberra, 1993.

⁷⁵ *Ibid*, p.14

within Southeast Asia. As the region is comprised of collectivist cultures, the well-being of a group is a highly valued political commodity. In this way it is important that decisions are made together and that common processes are followed. Group spirit and mutual respect between the members are given more importance than individual achievements or abilities. Whereas individuals value competition, collectivists value balance and harmony and it is here where a collective approach to a problem is favoured rather than open bargaining. In such an approach contentious issues are sacrificed for a productive and respectful atmosphere.

But as we take into account how ASEAN's approach to conflict management has been influenced by internal security concerns, a strategic culture or a decision making culture, we must take into consideration the precarious peace-building process that exemplified the organisation's experiences in conflict management during this era. By doing so we are able to see and understand the evolutionary process of the 'ASEAN way' of conflict management. This is not to say that the aforementioned propositions are value-neutral on their own when it comes to understanding certain aspects of ASEAN's regional security practices during the Cold War. Rather, they are better informed by a look into the origins of ASEAN and how the regional organisation has coped with the complex challenges of Southeast Asia's security environment in those times. The concern for internal security issues, the influence of a strategic culture, and the Malay decision making process have all been instrumental in shaping the 'ASEAN way'. But they were progressively compounded by a dialogue process that emerged as a result of diverging security interests within the organisation and the general inability of the member states to find a common position on most issues.

During ASEAN's formative years, the process of regional reconciliation between the member states experienced a slow beginning as continuing bilateral tensions came to dominate intra-ASEAN concerns. To achieve working relations with each other, the ASEAN states embarked on a process of consultation that

⁷⁶ Askandar, K., ASEAN and Conflict Management: The Formative Years, in *Pacifica Review*, Vol.6, No.2, 1994, p.59

soon became the basis for a network of political communication between senior diplomatic officials. This habit of consultation soon began to take on particular characteristics associated with the norms and tradition of ASEAN diplomacy. Importantly we must consider how this process was an exercise in regional confidence-building in that it encouraged building a framework of functional co-operation between the ASEAN states. When ASEAN faced its first test in regional security management in the form of the communist victories of Indochina, the consultative process was essential to maintain a common collective position and in conveying to communist Indochina how ASEAN was willing to consider an arrangement of coexistence in the region based on mutual respect. Importantly ASEAN's diplomatic initiative in this event resulted in the Treaty of Amity and Cooperation, the key doctrine informing ASEAN's methodology of conflict management. Although the Treaty makes provision for a High Council with clear mechanisms for conflict prevention and dispute settlement, the key implication was that it advocated a policy of non-interference on the domestic affairs of another country.⁷⁷

ASEAN's experience throughout the third Indochina conflict (Vietnam's intervention into Cambodia) has had a permanent effect on the organisation's conflict management and preventive diplomacy methodologies. The impact of the Cambodian crisis served to highlight the diverging security perceptions among the ASEAN states and as such, the member states were not able to develop a completely united position on the issue. However it was imperative for the ASEAN states to express solidarity so as to support their front-line member in the conflict, Thailand, and to function as an active diplomatic community in keeping the conflict at the forefront of the international agenda in the United Nations. This was especially so, since ASEAN was not able to extend its own process of political dialogue to Vietnam. ASEAN's diplomatic activity on the issue eventually saw the United Nations Security Council taking responsibility over the conflict settlement process although the ASEAN conflict management machinery itself did not play a direct role in the process of conflict settlement.

⁷⁷ See Appendix A.

It is important to observe that ASEAN's past experiences in regional conflict management, that is prior to the end of the Cold War, did not include the establishment of systematic early-warning mechanisms, designated observation missions or local peacekeeping authorities. For the objective to prevent the escalation of intra-mural political disputes and the emergence of unwarranted inter-state violence, ASEAN had only a process of co-operative political dialogue and a number of bilateral military confidence-building measures between the member states. The sacrosanct mutual observation of individual sovereignty (enshrined in ASEAN's founding principles) has prohibited the member states from intervening in each others domestic affairs, thus restricting ASEAN's conflict management endeavours to an inter-state dimension. Void of any supranational prescriptions, ASEAN's operational framework for political and security co-operation hinged on developing a consensus among individual foreign policy objectives through formal and informal lines of communication. For this key reason, episodes of intra-state violence in the region (such as genocide in Cambodia, the annexation of East Timor in 1975) have been beyond ASEAN's institutional framework.

By the time of the culmination of the Cold War and beginning of the Cambodia Peace process, ASEAN was merely some twenty years old. It existed as an inter-governmental regional organisation without any aspirations for political integration, while operating on a schedule of fora attended by the Foreign Ministers of each member state (the Annual Ministerial Meetings or AMM'S). Out of this grew a series of subsidiary but more frequent dialogue programmes between Foreign Ministry officials, the most notable being the Senior Officials Meetings (SOM's) and the rotating Standing Committee which co-ordinated a number of ASEAN projects in-between the ministerial meetings. While it would be fair to say that the organisation's conflict management tools were restricted, we must recognise how ASEAN has served as a centre for functional co-operation between the member states. Although the ASEAN Ministerial meeting with foreign ministers was held on an annual basis, ministerial meetings on other sectors were also held throughout the year. These include ministerial meetings on agriculture and forestry, economics, energy, environment, finance, information, investment, labour, law, rural development

and poverty alleviation, science and technology, social welfare, transnational crime, transportation, and tourism. To support these ministerial meetings there are twenty-nine other committees of senior officials and over one hundred technical working groups.⁷⁸

There have also been the establishment of the ASEAN-Chambers of Commerce and Industry, the ASEAN Business Forum, the ASEAN Tourism Association, the ASEAN Council on Petroleum, the ASEAN Ports Association, and the ASEAN-Institutes for Strategic and International Studies.⁷⁹ In addition, to support the conduct of ASEAN's external relations, the organisation has committees composed of heads of diplomatic missions in Brussels, London, Paris, Washington D.C, Tokyo, Canberra, Ottawa, Wellington, Geneva, Seoul, New Delhi, New York, Beijing, Moscow and Islamabad. These particular groupings are used for co-ordinating ASEAN policy on specific issues when needed, although they have also been useful in promoting the identity of the ASEAN diplomatic community. All ASEAN members participate in these activities that total over two hundred meetings each year between senior officials from ASEAN governments.⁸⁰ It was clear that by this time that ASEAN had evolved into an organisation that did not specifically focus on regional conflict management.⁸¹ Although political co-operation remained as the organisations primary focus, ASEAN had developed into a focal point for an elaborate web of intergovernmental contacts between senior officials from a host of sectors.

⁷⁸ ASEAN Secretariat, 'Structures and Mechanisms', Jakarta, November 1999. Information retrieved from website: www.asean.or.id. ASEAN also has several specialised bodies that promote intergovernmental contact and co-operation such as the ASEAN University Network, the ASEAN-EC Management Centre, the ASEAN Earthquake Information Centre, the ASEAN Poultry Research and Training Centre, the ASEAN Tourism Information Centre, the ASEAN Regional Centre for Biodiversity Conservation, the ASEAN Rural Youth Development Centre, the ASEAN Specialised Meteorological Centre, the ASEAN Timber Technology Centre.

⁷⁹ *Ibid*, p.5

⁸⁰ *Ibid*, p.6

⁸¹ For a comprehensive overview of the various activities of ASEAN in fostering regional functional cooperation see Sandhu, K.S, S Siddiques, C.Jeshrun, A Rajah, J.L.H Tan, and PThambipilai (coms.) *The ASEAN Reader*, Institute for Southeast Asian Studies, Singapore, 1992. An overview of ASEAN's role by the end of the Cold War would reveal that along with the activities already mentioned, the organisation played an important role in other functions such as agricultural research, the reconstruction of the Indochina States, co-operation in environmental protection, industrial projects, co-operation between small and medium businesses, and cooperation on regional drugs-related/narcotics problems.

In view of all this, it is essential to understand how this aspect of ASEAN serves as its most significant approach to maintaining regional peace. Though during the Cold War the organisation functioned as a diplomatic community working on a process of intergovernmental dialogue, both internally between the member states and externally with other Asia Pacific partners, it can also be seen as an institution that thrived on functional co-operation as a way to promote regional stability. The critical point is however, that within these twenty years and throughout these developmental stages, limitations to ASEAN's conflict management capabilities had put into place an unobtrusive process of political dialogue. Along with the gradual evolution of ASEAN into an organisation concerned with promoting various forms of regional co-operation, it would be fair to say that the organisation's real contribution to regional security may have more likely been in conflict management (through confidence-building) at the long-term level rather than at the short-term level. In other words, although ASEAN was 'burdened' with a conflict management mandate from the very start, it was not particularly active in providing workable approaches to preventing or settling a number of regional disputes and crises. Instead the member states came to be involved with a practice of political dialogue that was supported by a growing network of diplomatic co-operation on a variety of other fields. This process, over time, was also put into place by a number of supporting conditions namely, the general easing of international tensions brought on by the end of the Cold War and the simultaneous increase in economic interdependence within the greater Asia-Pacific region. Nevertheless from the perspective of ASEAN members, the inherent value of this confidence-building process rested on its achievement in outlasting and indeed developing throughout such trying episodes of regional instability. Because of this, it has remained as a defining characteristic of ASEAN ever since.

Summary: The Cold War and the 'ASEAN Way' to Conflict Management

In this chapter our analysis has focused on ASEAN's past experiences with regional conflict management, thereby identifying what is more or less an 'ASEAN way' to conflict prevention. This approach is in essence a confidence-building process that is informed by a particular style of ASEAN diplomacy. It is a process of diplomatic interaction that has been conditioned by a sense of informality where appropriate, as well as a preference for quiet diplomacy. It was felt that these informal processes would work best because national representatives could negotiate and consult each other freely without the obligation to defend their position in public.⁸² It has also been suggested that the inherent value of this informal consultation process is that it is a negotiation technique targeted at settling differences by preventing them from arising. This technique basically provides concerned parties with a channel to avoid disputes by creating opportunities for adjustment and accommodation. In order for this consultation process to operate effectively however, good relations between the parties, or at least the willingness to construct positive relations with each other, must already exist. If such preconditions do not exist, they then must be created. That is why for the ASEAN members, the establishment of the organisation itself symbolised a willingness to approach conflicts through amicable methods of dialogue rather than through the use of specific methods aimed at conflict settlement.

ASEAN's conflict management process rests heavily on this working system of consultative decision-making so that ultimately, a consensus on issues can be produced. The consensus approach implies that the decision-making process is conducted in such a way as to 'save face' and maintain progressive relations between the parties.⁸³ Given this, it is possible to suggest that this approach has both a positive and a negative side in the process of conflict resolution. On the negative side, the approach tends to hide actual problems and

⁸² Askandar, K., *op cit.* p. 64

disagreements, leaving them unmonitored and likely to resurface. On the positive side however, only decisions that will surely be ratified are carried forward, cultivating further the process of functional co-operation. The key observation is that over the years, this type of conflict management has persisted despite two major episodes of regional conflict in Southeast Asia. As a result, this experience has instilled it as ASEAN's main conflict prevention mechanism. By the same token, the fact that ASEAN has developed into an organisation that promotes peaceful relations through functional co-operation is another vital aspect. By focusing the majority of its activities on a large quantity of collaborative projects, ASEAN has been pivotal in creating and sustaining working relations between key officials from the governments of the member states. It is important to recognise how these links serve as an intricate confidence-building mechanism for ASEAN and how in this dimension, they can also be seen as a dominant part of ASEAN's approach to regional stability.

With the culmination of the cold war almost a decade ago and the changing nature of the security environment of Southeast Asia, ASEAN has been propelled into a new era of regional security and conflict management. Although the region is relatively free from severe inter-state conflict and regional co-operation on political and security affairs has become more active, there are a host of issues which contribute to a sense of uncertainty as far as regional security is concerned. A number of security concerns voiced by the ASEAN members stem from the reduction of U.S. military forward deployment in the region. Though the U.S. now considers a strategy of forward engagement (which emphasises the accessibility of local facilities to U.S. forces through agreement, rather than the maintenance of a permanent base), the ASEAN states are apprehensive over the ability of the United States to respond effectively in times of a crisis situation. The security environment of Northeast Asia has a direct impact in Southeast Asia and in this case, questions over stability on the Korean Peninsula and the relationship between China and Taiwan occupy a key portion of the continuing region-wide security dialogue. Attached to this are further questions over nuclear safety in North Korea and the future direction of China's

⁸³ Thambipillai, P., 'ASEAN Negotiating Styles: Asset or Hindrance', in *ASEAN Negotiations: Two Insights*, ISEAS, Singapore, 1985, p.7

foreign policy. The safety of the region's strategic waterways (or sea lines of communication) remains another key issue, as they are prone to troubles such as piracy and the illegal dumping of oil or toxic waste (particularly in areas containing considerable maritime resources).

Then of course there are the continuing disputes over the territories in the South China Sea - a discord between most ASEAN members as well as China, and Taiwan which serves as the main issue of inter-state contention in the region with a potential for violent confrontation.⁸⁴ There is also the issue of unsettled political transition in Indonesia, particularly in Ambon and in the province of Aceh. Furthermore, increasingly pressing is the problem of internal political conflict within certain ASEAN states (of particular concern being those within the newest members of the Association, Myanmar and Cambodia), especially those involving ethnic and religious tensions. In light of these issues, it is necessary for us to consider how ASEAN has been able to cope with the conditions of this new and uncharted security environment. With a relatively restricted conflict management apparatus and a tradition for promulgating extensive intergovernmental links through functional co-operation, how has ASEAN faced such compelling challenges to regional security? Has the organisation taken the initiative to develop a preventive diplomacy agenda or has it continued with the 'ASEAN way' as a salient feature of its conflict management activities?

⁸⁴ ASEAN claimants to the territories in the South China Sea include Vietnam, Brunei, Malaysia, and the Philippines.

CHAPTER FIVE

ASEAN and Preventive Diplomacy: The Contemporary Agenda

Introduction

ASEAN's post-Cold War conflict management programme can be analysed by studying two key initiatives.¹ The first is how ASEAN has applied the policy of constructive engagement in response to several episodes of unresolved political conflicts within the immediate Southeast Asia region. The second is how ASEAN has created and developed the ASEAN Regional Forum (ARF) - an annual forum attended by a select group of dialogue partners from beyond Southeast Asia whereby political and security issues are discussed at the ministerial level. The key questions presented in this chapter are what has been the main gist of these efforts? Is it that, in the case of the ARF, ASEAN has merely emphasised the extension of its dialogue-based version of inter-state conflict management to a more elaborate multilateral forum? Or will ASEAN take the opportunity, through this new endeavour, to reform incrementally its current approach to regional security and develop more pro-active techniques of preventive diplomacy? The important observation to make here is that through these activities, recent parlance from ASEAN has indeed mentioned preventive diplomacy (the version envisaged by the former UN Secretary-General, Boutros Boutros-Ghali) and enhanced co-operation with the world organisation in the task of regional conflict prevention.² For instance in the Chairman's statement of the first ARF it is even stated that one of the key objectives of the forum was "to make significant contributions to efforts towards confidence building and

¹ The time period for this analysis covers the early 1990's (the years immediately following the end of the Cold War) to 1998 or the time of the fifth ARF meeting.

² See *ASEAN-UN Co-operation on Preventive Diplomacy*, Ministry of Foreign Affairs, Bangkok, 1995, and the First ARF Chairman's statement in *Appendix B*

preventive diplomacy in the Asia-Pacific region". Accordingly it has been suggested that such gestures may indicate that ASEAN is willing to move closer towards creating a preventive diplomacy programme that goes beyond confidence-building by means of extensive intergovernmental dialogue.

The focus of this chapter therefore is to examine ASEAN's current framework of regional conflict management and to investigate whether preventive diplomacy measures have been (or are intended to be) included in such a scheme. The principal areas of investigation will be to put into light the main features of an emerging post Cold War version of ASEAN conflict prevention, to consider how this process takes inspiration from the 'ASEAN way' of conflict management, and to assess the views of ASEAN policy makers on the notion of preventive diplomacy. This chapter is divided into three sections. The first section will briefly introduce the contemporary security environment of Southeast Asia by analysing some of the more conflict prone situations facing the countries of the region. The chapter then moves on to consider how ASEAN has responded to a post Cold War security environment by establishing the ASEAN Regional Forum (ARF), an extended version of its own framework of regional diplomatic interaction, and by implementing the policy of constructive engagement. This section will also assess whether the ARF contains any conflict prevention measures that can be regarded as more prolific than those included in the normative ASEAN approach. The third and last section will shed light on the notion of preventive diplomacy within the perimeters of the ARF. It will draw on interviews with key ASEAN officials.

The central argument put forth in this chapter is that despite rhetoric from ASEAN for a more vigorous role in regional conflict prevention, preventive diplomacy has not been entirely embraced by the organisation. ASEAN is still unable to move beyond its unobtrusive process of confidence-building based on dialogue and diplomatic norm-setting. This is not to say that ASEAN has completely shelved the notion of participating in certain preventive diplomacy activities, particularly those envisioned under a framework of co-operation with the United Nations. Many of the ASEAN members do not dispute the importance of more solid preventive diplomacy programmes, and in this regard, the

Association's Track Two process has been active in trying to develop a working interpretation of the concept that can fit well with the current structure of political and security co-operation favoured by ASEAN. But it is the ASEAN principle of non-interference in the internal affairs of a member state that serves as a key restriction to the organisation's readiness to commit itself to a thorough preventive diplomacy agenda. There is no consensus within the official ASEAN foreign policy circles for a modification to this well-enshrined doctrine. There is even less agreement between the ASEAN members on whether, and if so how, the organisation's conflict management practices should be reformed. Given this, the 'ASEAN way' remains a stalwart feature for the organisation.

It is important to take note of the notion that the ARF may be, at this juncture, an ineffective vehicle for ASEAN to develop a preventive diplomacy agenda. The paradox in this case, is that while ASEAN is trying to extend its own confidence-building traditions into the ARF, it has also expressed an intention to consider more pro-active conflict prevention techniques within the very same organisation. The point is that since ASEAN has been so closely attached to an unobtrusive style of confidence building, perhaps it can look forward to unobtrusive preventive diplomacy operations as the only way forward. It is also important for us to ask whether the current framework of ASEAN confidence-building shows any indication of progressing beyond the scope of conflict avoidance and functional co-operation? After all, the Association has repeatedly expressed that its most recent undertaking serves as the region's foremost security co-operation and conflict management mechanism. Though ASEAN may claim that the ARF process has the foundation on which to build more pro-active confidence-building measures, it would be difficult for us to accept that ARF will develop into a more pro-active security co-operation institution for the Asia-Pacific region. The decision to use the ARF as a venue to develop preventive diplomacy may prove difficult for ASEAN. There are too many participants with many differing perceptions on the scale and scope of preventive diplomacy. Given this, it has been argued that perhaps ASEAN would find it more appropriate to encourage preventive diplomacy among its immediate members rather than an extended forum. But this too has problematic assumptions. In the past few years, the ASEAN members have been

expressing different positions on the future direction of its conflict management apparatus. The inability of the ASEAN members to consider organisational initiative for addressing intra-state conflict situations serves as an indication that developing a preventive diplomacy agenda in this dimension will also be an arduous task.

I.) ASEAN and the Security of Southeast Asia: Setting the Scene

For much of the Cold War the security of Southeast Asia was heavily dominated by issues involving major power contention and the task for the non-communist and socialist countries of the region to construct a diplomatic community.³ At this time, regional conflict management for the ASEAN states was concerned with stimulating friendly contacts and working relations between the region's political and military establishments, and surrounding potential enemies with a network of institutional contacts, economic ties, and transparent low-level military accords.⁴ It was a methodology which the ASEAN members utilised to manage disputes amongst themselves (while forging a sense of political identity), and an approach which the organisation practised in dealing with other regional security concerns at the time (particularly the Indochina conflicts). However in a post Cold War era, ASEAN faced an altered regional security environment with new challenges to conflict management. In the event, the Association has been proclaiming the importance of viewing security from a 'comprehensive' position or one that considers more than just military or political considerations as having a direct effect on regional peace. This notion has been reinforced by the recognition of the need for greater intra-ASEAN co-operation on several impending trans-national security issues such as drug trafficking, the illegal movement of people, the illegal exploitation of natural resources and increasing piracy in the region's strategic waterways.⁵ As such the ASEAN position has been to advocate the objective of 'regional resilience' as a

³ See Chapter Four

⁴ Gilbert, M.J., 'ASIAN Security to the Year 2000', document retrieved from website [www. http://carlisle-www.army.mil/usassi/ssipubs/pubs96/asia2000/asia2000.htm](http://carlisle-www.army.mil/usassi/ssipubs/pubs96/asia2000/asia2000.htm)

⁵ Agibewa, A.I., 'Regional Security in an Expanded ASEAN: A New Framework', in *Pacifica Review*, Vol. 10, No. 2., June 1998

fundamental component of its creed - a concept based on the task of protecting Southeast Asia from security threats that originate from military as well as economic, political, and social disputes. However it would be inappropriate for our analysis to enter into an extensive discussion over each and every aspect of regional security in Southeast Asia. As our principal area of research concerns 'short-term' preventive diplomacy, it is essential then to evaluate the main security concerns facing ASEAN which contain the possibility for the emergence or escalation of violent confrontation. From this position, it is possible to view several scenarios of contention in the region as conflict prone situations, and these can better be discussed at the inter-state level and those at the intra-state level.

A. Inter-state Security Issues

It would be fair to say that inter-state conflicts have always posed as a challenge to ASEAN, even if this has been made more evident since they are now officially considered as part of the organisation's areas of responsibility. Although some authors have suggested that it may be at this moment difficult to identify the immediate sources of potential armed conflict in Southeast Asia, we must keep in mind that the region bears witness to a number of unresolved disputes over common borders and territories.⁶ At the time of writing, all the ASEAN states have tentative border disputes with each other as well as at least five other territorial disputes (excluding those of the South China Sea).⁷ So far, ASEAN has claimed that its code of conduct governing intra-mural behaviour, the Treaty of Amity, has had a tempering effect on such disputes - this in spite of the fact that such matters are usually left to bilateral efforts rather than to institutional guidance. A closer look into some of the inter-ASEAN border and

⁶ Dibb, P., and D.Hale and P. Prince, 'Asia's Insecurity' in *Survival*, Vol.41, No.3, Autumn 1999, p.12

⁷ Some territorial disputes between the ASEAN states include: the Malaysian salient (the Limbang territory in Sarawak) dividing Brunei, the 'Louisa Reef' as claimed by Brunei, two islands in the Celebes Sea (Sipadan and Ligitan) claimed by Indonesia and Malaysia, the Sabah state claimed by Malaysia and the Philippines, and the Pedra Branca island claimed by Singapore and Malaysia. Information retrieved from Garofano, J., 'Flexibility or Irrelevance: Ways Forward for the ARF' in *Contemporary Southeast Asia*, Volume 21, Number 1, April 1999.

territory disputes will reveal that bilateral confidence-building measures have been put into place to prevent military miscalculations or misunderstandings.⁸ But as long as current political tensions persist among the ASEAN states, situations of this kind have a proclivity to develop into armed confrontation (even though it has been argued that they are likely to be small skirmishes).⁹ In this case, it is important to remember how ASEAN has deliberately avoided bringing such issues into the organisation's responsibilities. Although it is open to debate whether ASEAN will develop any initiative to apply institutional jurisdiction to address such matters, there has been one particular issue in which the members have come to view as a principal regional security predicament. This is the potential conflict in the South China Sea.

The obvious difficulty concerning the South China Sea area is that it is a semi-closed waterway bordered by many states, namely the Philippines, Malaysia, Brunei, Indonesia, Vietnam, the People's Republic of China (PRC or China), Taiwan (the Republic of China) and to a lesser extent Cambodia, Singapore and Thailand. The matter of maritime boundary demarcation in the South China Sea is problematic, mainly because the present situation is defined in terms of a configuration of overlapping unilateral claims to sovereignty over an assortment of various semi-submerged natural formations scattered throughout the region.¹⁰ These islands, reefs, and banks comprise the four main

⁸ These include, for example, long established communication lines between border patrol commanders in the case of Malaysia and Thailand; an agreement between Thailand-Malaysia and Indonesia to conduct joint patrols against smuggling, and piracy in the Strait of Malacca; and joint naval exercises between the Philippines and Indonesia. For further information on intra-ASEAN border security co-operation see Acharya, A., 'The Association of Southeast Asian Nations: Security Community or Defence Community?' in *Pacific Affairs*, Vol.69, No.2, Summer 1991, and S.Simon, *The ASEAN States and Regional Security*, Hoover Institution Press, Stanford, 1982.

⁹ In this case one needs to be aware of how intra-ASEAN political differences remain as a key feature of regional relations despite continuing co-operation. For instance J. Garofano has pointed out how it is relatively easy for intra ASEAN relations to become testy. In this case he cites the example of when Malay-Indonesian relations recently became problematic in the event of several deaths of Indonesians held in Malaysian detention camps (These had been set up to repatriate thousands of Indonesian illegal workers in the light of the recent regional financial crisis). The implication here is that such episodes of political contention may fuel, or spill over into the existing border or territorial disputes.

¹⁰ Joyner, C.C., 'The Spratly Islands Dispute in the South China Sea: Problems, Policies, and Prospects for Diplomatic Accommodation' in R.K Singh (ed.) *Investigating Confidence-Building Measures in the Asia-Pacific Region*, Report No.28, The Henry L. Stimson Center, May 1999.

archipelagos of the South China Sea and they are known as the Pratas, the Macclesfield Bank, the Paracels, and the Spratlys. A total of eight states lay claim to the territories in the South China Sea.¹¹ Both Singapore and Malaysia claim two islands strategically situated in the congested waters of the Malacca and Singapore Straits. China, Taiwan, and Vietnam contest each other's claims to sovereignty over the Paracels Islands, while Taiwan is also challenging China's claim to the Pratas Island and the Macclesfield Bank. In the case of the Spratlys there are a total of six claimants: China, Taiwan and Vietnam who claim the entire archipelago, while the Philippines, Malaysia and Brunei claim sovereignty over portions of the area. The salient feature about the Spratlys is that every claimant except for Brunei has an established military presence in the area and because of this, the dispute remains the most contentious, complex, and volatile of the South China Sea rivalries.¹²

At first glance it would be fair to say that the pressing disposition of the Spratly Islands dispute does not only lie in the fact that four ASEAN states (Malaysia, the Philippines, Brunei and Vietnam) and two other quarrelling regional entities (China and Taiwan) are the rivalling claimants, but also in the fact that it has witnessed uncompromising assertions of sovereignty from the contesting parties. It was only a few years ago that China was discovered to have built permanent structures¹³ on the aptly named Mischief Reef, and this despite the fact that Beijing had been gesturing to ASEAN that it was committed to finding a peaceful solution to the conflict (not to mention a recent diplomatic row with the Philippines upon the discovery of such facilities).¹⁴ Add to this China's rhetoric over not ruling out the option of using force to reunite Taiwan with the mainland and it is not difficult to see why the ASEAN states have expressed a will to maintain a footing in any initiative designated to set forth a process of

¹¹ For further information on the claims in the South China Sea, see Valencia, M.J., *'China and the South China Sea Disputes'* Adelphi Paper 298, International Institute for Strategic Studies, Oxford, 1995.

¹² Joyner, C.C., *op cit.*, pp. 55-56

¹³ This came in the form a five story cement building that many analysts say, could be used for communications, anti-aircraft guns, or radar systems for monitoring aircraft and ships in the area. China, however claims that such structures are intended to provide shelter for Chinese fisherman in the area.

¹⁴ This would have only been in the form of bilateral efforts, as China has emphatically refused any multilateral discussions on the matter.

conflict management in this particular case. Though it should be understood that any violent confrontation would incur major political damage to any disputer who undertakes such action or reciprocal action, the possibilities for miscalculation or misunderstandings cannot be neglected.

In this case the analysis provided by Ralph Cossa serves as a useful guide to understanding how the potential for armed confrontation in the South China Sea is brought on by the existence of several possible triggers to conflict. The assertion made by Cossa is that while all claimants have expressed a desire to settle the dispute peacefully, military force has been used before, both to enforce and expand national claims. Cossa goes on to argue that force could be used again, particularly when taking into account a broad range of triggers to the conflict such as unmonitored exploration activity in disputed areas (a claimant going ahead with oil or resource exploration regardless of other competing claims), creeping occupation (the clandestine occupation of certain islands), armed enforcement (the seizure of commercial vessels within claimed boundaries or showdowns between military ships patrolling in disputed areas), or even just armed displacement (the precedent of using force in light of previous attempts to settle the disputed claims).¹⁵

But just as there is general agreement among regional observers that the dispute in the South China Sea can threaten to break into open conflict, there is also a prevailing acknowledgement that the claims of sovereignty attested to by the concerned parties are rather complex in nature. It is not just a case of each claimant attaching an inherent value to the areas of the South China Sea. There is no denying that the strategic uses for the more developed islands in the Spratlys include sea-line interdiction and surveillance, thus suggesting that occupation and control of such islands could easily influence the flow of sea traffic within East Asia. And almost all analyses on the issue have mentioned the fact that the waterways are believed to be endowed with vital economic resources including gas, oil and other essential minerals - all of which will be in greater demand as

¹⁵ Cossa, R., *Security Implications of Conflict in the South China Sea: Exploring Potential Triggers of Conflict*, Pacific Forum CSIS Special Report, Honolulu, Hawaii, March 1998, pp. vi-vii

economic needs and technological resources make offshore extraction more feasible. To this extent, scholars such as Christopher Joyner have pointed out how competing claims to maritime and seabed jurisdiction and access to fisheries have often cast governments into a tangled nexus of regional jurisdictional conflicts and rivalries in the past two decades.¹⁶ But emphasising the above reasons are not enough to explain how and why the dispute over such territories has remained lively and there has been no movement towards an official conflict settlement process.

Cossa, like other regional experts, has made the point that there are several important considerations which one needs to look into when analysing the South China Sea dispute. For example it is important to take note that claims to such territories were made apparent only in the late 1980s, particularly when there had been an escalation of efforts to occupy more islands and improve presence's in the areas already held.¹⁷ The point is that the many claims that were made before this era remained relatively unnoticed by the international community and as such, were not closely scrutinised to determine their legitimacy.¹⁸ The significance of the timing of such recent claims was that they coincided with the end of the Cold War and that they were voiced even more vigorously following the withdrawal of United States forces from the naval base of Subic Bay in the Philippines. From this perspective, it is possible to see one way in which the escalation of the dispute has been influenced. Countries bordering the waterway, seeing that there is no longer an active United States naval force to patrol the territory, anticipate that there is a higher probability for a particular state to wield more influence by making forward territorial claims in the area. As a result, stronger claims are being made to demarcate maritime borders clearly and to prevent another neighbouring entity from gaining extended

¹⁶ Joyner, C.C., *op cit.*, p.55

¹⁷ ASEAN-ISIS, *The South China Sea Dispute*, ASEAN-ISIS Memorandum No.6, ASEAN Institute of Strategic and International Studies, May 1995.

¹⁸ Furtado, X., 'International Law and the Dispute over the Spratly Islands: Whither UNCLOS?', in *Contemporary Southeast Asia*, Volume 21, Number 3, December 1999, p. 389

strategic advantage.¹⁹ To this extent, senior ASEAN military official Rudi Soestraneno has commented that:

"Four many years, centuries even, the South China Sea was shared by the people of the region, either for fishing, commuting, what have you. It wasn't even much of a big deal when we became modern countries with defined boundaries according to international law. We were next to each other, this was unavoidable and so was each of us referring to claims. But then we lived with a [significant] military presence in the region for many years and this kept the waterways relatively safe or neutral if you will. The important point is that this military power was [substantially] removed from our waters while many of us were witnessing each others' rise in economic and military power. Some of us were also becoming more active in declaring an assertive foreign policy. Then we knew we had to protect our marine borders more carefully. It was only natural."²⁰

Another element that has had the effect of escalating this dispute is the historical basis for many of the claims. For example, Vietnam's claim on the Spratly Islands is based on the point that it inherited them from France (by right of cession) who first made claim to them in 1933. The French however, made no follow-up effort to maintain this claim in spite of the fact that Japan had formally relinquished such territories in the aftermath of the Second World War. From this position then, France has not possessed a lawful title to the Spratlys to which Vietnam was able to succeed. At the same time China's assertions of sovereignty relate to historical documentation of discovery and occupation. Here, Chinese historical evidence has come in the form of records made by Chinese navigators in the Qing Dynasty (18th century), even if problems of accuracy remain with the actual description of specific coastal points. Though it remains to be seen whether such proof of historical title can carry enough legal weight to validate acquisitions of territory, China remains adamant to its historical linkage to these territories.²¹ This has even been promulgated through national legislation that in

¹⁹ The argument that United States withdrawal from Subic Bay has had a direct impact on China's assertiveness into the South China Sea has been mentioned by a number of regional scholars. For example see Lim, R., 'The ASEAN regional Forum: Building on Sand', in *Contemporary Southeast Asia*, Volume, 20, Number 2, August 1998

²⁰ Interview with Colonel Rudi Soestraneno (Indonesia), ARF Inter-sessional Meeting on Confidence Building Measures, Bangkok, March 1999.

²¹ To this extent Chris Joyner has mentioned how modern international law recognises that mere discovery of some territory is not sufficient enough to vest in the discoverer

1992 declared both the Paracel and Spratly archipelagos to be Chinese territory. Although Taiwan's historical claims resemble those of China's, it has supplemented them by declaring the fact that it was the first government to establish a physical presence in the area following the Japanese departure, and that it has occupied the largest of the Spratly Islands (Itu Aba) from 1956. On the other hand the Filipino historical claim stems from the supposition that a Filipino national (Thomas Cloma) had discovered a group of islands in South China Sea in 1956, and that such islands were relatively unknown and without sovereign authority.²² (This therefore justified occupation of the island by the Philippine military almost a decade later.) The fact of the matter is that although historical entitlement lingers as a sensitive issue for many of the claimants, approaching such claims from an historical point of view lays considerable emphasis on contestable data and does not leave us with a clear notion of a legitimate sovereign. Correspondingly it has been suggested that perhaps a clearer way to consider them is through the spectrum of contemporary international jurisdiction, or more specifically from a position concerning the United Nations Convention on the Law of the Sea (UNCLOS). However this has also turned out to be a problematic procedure.

Recent work by observers such as Xavier Furtado and Ian Townsend-Gault has asserted that poor understanding by many regional policy makers of UNCLOS and its provisions, along with the certain limitations of UNCLOS (hereafter also referred to as the Convention) itself, are central components of the conflicting sovereignty claims in the South China Sea. The first point to consider here is that amidst the debate on the historical nature of the claims, all of the governments concerned have been invoking UNCLOS to justify their own behaviour while propelling condemnation on the behaviour of others. However in this case, Furtado has argued that UNCLOS cannot be applied blindly to the Spratly dispute given that the dispute is also 'a function of the region's unique set of historical and geopolitical considerations that challenge the ability of the

valid title of ownership to territory. For it to do so, discovery should be followed by subsequent continuous and effective acts of occupation, generally construed to mean permanent settlement. In the case of China's claim to the Spratlys, evidence of such permanent settlement is not compelling.

²² Furtado, X., *op cit.*, p. 392

Convention to provide an authoritative framework that all the parties can use'.²³ For instance while the Convention permits a state to control living and non-living resources in its continental shelf, it does not elaborate on the matter of granting a state sovereignty over territories that may be located on its continental shelf. Then there is the issue of the Exclusive Economic Zone (EEZ) where it mentioned that an island (a naturally formed area of land, surrounded by water and which is above water at high tide) can be used by a state for economic purposes. The problem here is that some claimants to the Spratlys have incorporated submerged features in the area to claim territorial waters and an EEZ. An example would be China and the Philippines who both claim and have engaged in open confrontation over Scarborough Reef (parts of which remain submerged at all times). Related to this is the issue of an archipelago where the Convention makes provisions for 'archipelago type' states to have specific privileges in terms of drawing baselines for sovereignty purposes (specifically around the outer most islands). But as Furtado has mentioned, it is often the case that the privileges granted to such states (including the right to claim the waters within these boundaries as sovereign territory) are somewhat unclear and therefore misinterpreted.²⁴ The critical point to make about all this is that trying to develop an approach to conflict settlement based largely on UNCLOS will prove difficult as long as the Convention (more precisely the selective interpretation of the Convention's articles) plays a role in driving the competing claims of sovereignty over such areas.

Perhaps more importantly though is the notion that the parties to the South China Sea dispute may not be in agreement as to what the main issue of contention really is, thus making it more difficult for any attempt at conflict management. For instance it would not be erroneous to consider that for some claimants, the main issue of conflict over sovereignty may rest more on the use of valuable resources while for others it could be more of a concern that is influenced by domestic politics such as the sacrosanct nature of a country's political history, or even the need to demarcate national boundaries. The problem here is that if the disputants do not see 'eye to eye' as to what the main issue of

²³ Ibid., p. 387

²⁴ Ibid., p. 399

contention is, then it would be difficult to develop an initial framework of conflict management aimed at dialogue or negotiation. In the meantime, the convoluted nature of the Spratlys dispute has prompted the contending parties to enforce their claims by stationing permanent military positions in the archipelago. So far, Taiwan maintains control of Itu Aba Island, China occupies a total of seven reefs, and Vietnam occupies at least twenty-seven islands reef and clays. The Philippines controls eight principal islands and claims at least fifty other smaller territories while Malaysia has positioned troops on three atolls while claiming nine other smaller territories. In 1999, nearly 1650 troops from five claimant governments had occupied approximately 46 of 51 land formations in the Spratly archipelago while the two main protagonists, China and Vietnam, have continued to participate in more frequent naval operations and the construction of additional outposts.²⁵

Though regional security observers have pointed out the necessity to be aware of other potential trouble-spots in the Asia-Pacific region since they undeniably have an effect on the security of Southeast Asia²⁶, it would be fair to say that this particular dispute registers as ASEAN's main inter-state security predicament because it sustains a potential for armed confrontation in the immediate Southeast Asian region. The essential point offered for consideration here is that the South China Sea dispute is prone for conflict despite accompanying attempts at fortifying systems of confidence building. As long as disputing parties maintain a capability to engage each other by force and do not back down from proclaiming an intent to do so, then difficulties will hinder any effective attempt to construct a multilateral framework for conflict prevention.

²⁵ Joyner, C.C., *op cit.*, p. 65

²⁶ This is in particular reference to the tensions in Northeast Asia such the security of the Korean Peninsula and the continuing dispute between China and Taiwan.

B.) Intra-state Security Issues

Within the past few years the most violent conflicts which have come to pass in Southeast Asia have been those on an intra-state dimension. To say the least, such events have come to challenge the credibility of ASEAN's conflict management system, thereby fuelling the case for the organisation to take on more preventive diplomacy mechanisms aimed at crisis-prevention. Some key intra-state conflicts that have involved occurrences of violence include the political contentions in the provinces of Indonesia, the clashing political factions in Cambodia, and the continuing violation of human rights in Myanmar. Though at the time of writing the territory of East Timor has since gained independence from Indonesia, there is much to be learned from studying this episode of violent political transition. The crucial aspect is that there were ample signs of imminent violence evolving from this political confrontation, yet not enough was done to prevent its escalation.²⁷ This event can be considered as one of the most violent episodes of armed confrontation in the recent history of Southeast Asia. The fact that there are other situations of internal tension in the region goes to suggest that they have the ability to become a serious regional security impasse for the countries of ASEAN.

A general survey of the East Timor conflict would first reveal that the key players included the local population in favour of independence (predominantly East Timorese by origin and Roman Catholic), the local population who supported the government in Jakarta (a significant number of which were migrant Indonesians), and the Indonesian military (the main armed force represented in the territory).²⁸ For years after Indonesia annexed the territory in 1975 (following the end of Portuguese colonial rule), a protracted political struggle persisted which often saw armed clashes between the disputing parties.

²⁷ In this case reports by NGO staff and the international media had warned of the stock-piling of weapons, an unusually close relationship between the police and the local militia, and initial attacks on pro-independence supporters well before the outbreak of large scale violence following the referendum for independence in August 1999.

²⁸ A detailed overview of the origins of the east Timor conflict can be found at website:

The exchanges of violence were mainly carried out by elements of the Indonesian military, the local East Timorese resistance movement (Frente Revolucionaria Timor Leste Independente or FRETILIN), and at a later stage, the pro-Indonesian local militia.²⁹ For those who wanted independence the Indonesian military was seen as unjust oppressors, for those loyal to Indonesia a main prerogative was to protect themselves from the more violent elements of the independence movement and the more aggressive groups within FRETILIN, and for the Indonesian military the independence movement was seen as a threat to national unity and a precursor to other potential separatists movements in the country.³⁰ It has been suggested that during this time, major human rights abuses occurred which ranged from the alleged use of indiscriminate force, the alleged illegal detention of suspected government opponents including the systemic torture of political detainees, and the alleged large-scale suppression of freedom of expression.³¹ More importantly though, it is believed that tens of thousands of lives have been lost and several hundred 'disappeared' in this conflict since 1975, although no accurate figures are available of the combatants involved in the fighting.³²

However it was not until recently (with the eruption of the Asian financial crisis, a subsequent and dramatic change in the Indonesian leadership, and growing pressure from the international community for a process of conflict settlement in the territory) that Jakarta was finally prompted to take direct action for political change in East Timor. This came in the form of a referendum for independence (August 1999) – a notion to which the Indonesian military was strongly opposed.³³ The historic referendum ultimately produced a result in favour for independence. This was a consequence that the Indonesian political

www.law.qub.ac.uk/qub_law/timor/TI1.HTM

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ US Department of State, *Report on East Timor*, November 1999.

³² Satha-anan, C., 'The Birth of a Nation', *Bangkok Post*, September 20, 1999. See also website: www.law.qub.ac.uk/qub_law/Timor/TI1.HTM

³³ Given this it has even been suggested that in response to the inevitable referendum, the Indonesian military set out to intimidate the local population to vote for integration by providing weapons to the local militias so that they could step up their violent campaigns. For a critical account of the events involving the recent conflict in East Timor see website: http://pandora.nla.gov.au/parchive/1999/S1999-Oct-21/www.easttimor.com/DOCS/archives/summaries_0081.htm

leadership did not fully anticipate.³⁴ Despite the fact that such elections were sponsored and observed by the United Nations, the pro-Indonesia supporters did not adhere to its outcome and continued to participate in the suppression of the pro-independence population. Following the announcement of the referendum results, pro-integration militias, at times with the support of elements of the Indonesian security forces, launched a campaign of violence, looting and arson throughout the entire territory.³⁵ The Indonesian authorities did not respond effectively to the violence, despite clear commitments made under the 5 May agreements. Before the United Nations was able to respond with a peacekeeping operation a month later (12 September 1999), widespread violence perpetrated by the local militia against independence campaigners and the pro-democracy population (not to mention reciprocal violence from some factions of the pro-independence supporters) had resulted in a severe loss of East Timorese lives. As many as five hundred thousand were displaced from their homes, about half leaving the territory, in some cases even by force.³⁶ This event has prompted many to ask why ASEAN was not involved in any conflict prevention measures given the gravity of the situation and given the detrimental ramifications of this event to regional stability.

The fact of the matter was that throughout this conflict, ASEAN took the position to view the situation as an internal issue for Indonesia and in this case, the Association was eventually constrained from taking any direct initiative in accordance with the Treaty of Amity and Cooperation.³⁷ Even when escalating violence following the referendum had prompted the United Nation's Secretary-General to approach Indonesia with a proposal for peace-keeping operations, little agreement was achieved within ASEAN on whether to participate.³⁸ In this case several ASEAN members mentioned how such a regional crisis could not be

³⁴ Ironically, it has been suggested that that the initial autonomy package that Jakarta offered to East Timor would have given it much more local governance than any other province. In this sense it would not be difficult to suggest that the referendum was seen by the East Timorese largely as a way to throw out the Indonesian military rather than a way to permeate change in governance.

³⁵ Information retrieved from United Nations website:
www.un.org/peace/etimor/UntaeB.htm

³⁶ *Ibid.*

³⁷ 'Politics behind ASEAN's inaction', in *Straits Times*, October 17, 1999.

³⁸ ASEAN's inability to take action in the East Timor crisis will be discussed with further detail in the next chapter.

left unattended, while others had insisted upon how the principle of non-interference was sacrosanct for ASEAN practice and therefore could not be compromised. More specifically, Thailand's deputy Foreign Minister M.R. Sukhumbhand Paribatra had appealed to the group to take action in order to restore ASEAN's credibility (given that the organisation had not taken any previous action regardless of significant coverage by the international media suggesting escalating conflict), but this was staunchly rejected by Myanmar and Vietnam.³⁹ The fact that Indonesia had initially insisted to the United Nations that it would be able to handle this issue of internal political transition while emphasising that it was not appropriate for any intervention operations, was also a key hindrance for any ASEAN initiative.⁴⁰

Several regional observers have mentioned how it is important to remember that since ASEAN has never taken a direct military role in a serious security crisis, the organisation was simply not in a ready position to act in the case of East Timor.⁴¹ But the fact that there were ample indicators of escalating violence and gross human rights violations, and that ASEAN did not take any substantive action in preventing further conflict lends weight to the idea that the organisation's regional conflict management programme is out of date. In the meantime, Indonesia's problems have continued to plague ASEAN's track record in conflict management. The situation in the Aceh province and sweeping conflict between Muslim and Christian populations in the country's other regions have left ASEAN with many unanswered questions. At the same time the issue of conflict prevention in intra-state situations has increasingly become a controversy among the ASEAN members, especially since enlargement to include all ten members.⁴² The point is that there are other similar cases of internal political disputes within ASEAN that are prone to violence, and the Association's inability to respond will serve to diminish any other efforts at building a regional security order.

³⁹ 'ASEAN loses face' in, *The Bangkok Post*, September 18, 1999

⁴⁰ For an overview of the United Nation's role in the East Timor conflict see website: www.un.org/peace/etimor/UnteaB.htm

⁴¹ Pura, R., 'Conflict over East Timor may test ASEAN's loyalties', in *The Wall Street Journal*, Thursday September 30, 1999

For instance it would be fair to say that Cambodia has always been a difficult issue for ASEAN, particularly since sporadic violence originating from a protracted conflict has been a common feature of the country's political landscape ever since a coalition government was established in 1993 (following UN sponsored elections). However it was a coup d'état by second Prime Minister Hun Sen in 1997 which came to emphasise how far the country was from experiencing a period of post conflict peace building let alone a process of conflict settlement. In the event, Hun Sen's forces routed those of the First Prime Minister, Prince Rannariddh who was accused of fraternising with the outlawed Khmer Rouge as well as importing weapons for the purpose of destabilising the country.⁴³ Rannariddh directed the same allegations at Hun Sen and engaged in armed confrontation until his forces had to flee to the Thai-border following a sustained period of violence.⁴⁴ Incidentally the timing of this coup coincided with Cambodia's admission into ASEAN, and this correspondingly compelled the Association to delay Cambodia's entry until violence was quelled and a political compromise could be agreed upon. In the event, the international community looked to ASEAN to lead the diplomatic response to the coup, a role that conflicted with the Association's principle of non-interference. Many would argue though, that vested commercial interests in Cambodia shared by the ASEAN members also served as a restraining mechanism for any consequential corporate initiative.⁴⁵ Nevertheless and according to Singapore Foreign Minister Jayakumar, ASEAN could not afford to condone such a 'forceful and unconstitutional change to government' (especially since Cambodia was due to be admitted as a member) and so responded to the crisis by sending a delegation consisting of the foreign ministers of Thailand, Indonesia and the Philippines to meet Hun Sen and Prince Rannariddh.⁴⁶

It is important to highlight in this case how ASEAN (through the Troika comprising of the Philippines, Indonesia and Thailand) was urged by the

⁴² See Henderson ., *op cit.*, pp 48-56. This point will be further discussed in Chapter Six.

⁴³ Collins, A., 'Mitigating Security the ASEAN Way' in , *Pacifica Review*, Volume 11, Number 2 June 1999, p. 111

⁴⁴ *Ibid.*

⁴⁵ Moller, K., 'Cambodia and Burma, The ASEAN Way Ends Here' in *Asian Survey*, Vol. 38, No. 12, December 1998, pp 1094-1096.

⁴⁶ Henderson, J., *op cit.*, p.39

international community to mediate between the Cambodian parties even though it was not prepared to do so.⁴⁷ The Troika embarked on a process of 'shuttle diplomacy' to encourage the principal parties into a process of dialogue and to convey ASEAN's own position on various issues such as the holding of free and fair elections. Sensing the Troika's vulnerabilities in this endeavour, Hun Sen initially responded by explicitly warning the ASEAN states not to interfere in Cambodia. Although it has been suggested that ASEAN's 'constructive engagement' approach of personal diplomatic communication was important in engaging with Cambodia, this should also be considered along with the fact that growing international pressure prompted Hun Sen to accept ASEAN's efforts, though with proviso that this would not interfere in Cambodia's internal affairs.⁴⁸ In spite of these efforts the Troika was not able to make progress and internal conflict continued within Cambodia. To this extent, regional observer Kay Moller has argued that the organisation's mediation attempt was abortive because it had not come to terms with its non-interference problem at a time when its economic weight was diminishing.⁴⁹

It was not until Japan (Cambodia's major aid donor) was brought into the discussion through ASEAN that breakthrough was achieved. This came in the form of a proposal for cease fire, the return of political exiles, the severing of links between ousted royalists and the illegal Khmer Rouge, and free and fair elections. In the end a UN co-ordinated Joint International Observer Group declared the polls credible (as did ASEAN), resulting in the creation of a government with Hun Sen entering into another coalition with Rannaridhi's loyalists.⁵⁰ Though the armed confrontation may have ceased, what remains is an uneasy tension between the disputing factions. The fact that both disputing parties have not been involved in any concrete disarmament programme and that the Khmer Rouge continues to act as a destabilising factor goes to suggest that

⁴⁷ Moller, K., *op cit.*, p.1098

⁴⁸ Jarasa, J.P., '*The ASEAN Troika on Cambodia: A Philippine Perspective*', Paper presented to the Preventive Diplomacy Workshop, CSCAP Confidence and Security Building Measures Working Group & United States Institute of Peace, February, Bangkok 1999.

⁴⁹ Moller, K., *op cit.*, p.1103

⁵⁰ Henderson, J., *op cit.*, p.40

further confrontations in Cambodia are not out of the question.⁵¹ Although Cambodia is now a full member of ASEAN, the Association has found it difficult to play a role in a process of conflict management either aimed at thwarting the emergence of violent clashes or at developing a political solution to defuse the continuing struggle for power.

The political situation in Myanmar (Burma) also serves as one of the most violent cases of internal instability in the region and here, ASEAN has played even less of a role in conflict management. The conflict in Myanmar primarily derives from ruling regime's proclamation of martial law in 1988 and its crackdown on the country's democratic movement where an estimated 10000 lives were lost.⁵² This was followed by further suppression of the pro-democracy movement and the disregard for the results of the 1990 election in which the ruling military junta (State Law and Order Restoration Council or SLORC) lost. Since then, Myanmar has been in relative disfavour with the West as international trade, investment and aid have been severely restricted. On the other hand the ASEAN members have been cautious with their collective reaction to Myanmar. The organisation initially came to approach the situation in Myanmar with a policy of constructive engagement - an approach that sought moderate political dialogue while allowing commercial contacts to continue. Although the thesis behind this policy suggests that continued diplomatic interaction along with continued economic co-operation would act as the key proponent to instigating a gradual change of position by the ruling regime, ASEAN's approach has been blamed for concentrating on economic prospects rather than political change.⁵³ Even more so it has been suggested that the policy was originally employed by Thailand as a mechanism to deflect international attention from Thailand's co-operative policy towards Myanmar's military rulers.⁵⁴ Though constructive engagement has prompted the leadership in Yangon (Rangoon) to take some political initiatives in response to ASEAN's

⁵¹ Ajibewa, A. I, *op cit.*, p.129.

⁵² Moller, K., *op cit.*, p1088

⁵³ *Ibid.*, p.1091.

⁵⁴ Buszynski, L., 'Thailand and Myanmar: the Perils of Constructive Engagement' , in *The Pacific Review*, Vol.11, No.2, 1998. This argument was cited in J. Hacke, 'The concept of flexible engagement and the practice of enhance interaction: intramural challenges to the ASEAN way', in *The Pacific Review*, Vol.12, No.4, 1999

advances of constructive engagement (for instance the releasing of pro-democracy leader Aung San Suu Kyi from house arrest in 1995), it would be erroneous to suggest that the current conflict situation within Myanmar has changed for the better.⁵⁵ It has been claimed that the government's repression of the pro-democracy movement has continued despite a few potentially significant moves of political liberalisation brought on by increased economic activity.⁵⁶ This has involved, among other incidents, attacks on the opposition in May of 1996 and in August of the same year, not to mention further restrictions to Aung Saan Suu Kyi by mid-1997.⁵⁷ For this Myanmar has been condemned by a UN General Assembly panel for suppressing the opposition, using forced labour, torturing prisoners, abusing women and conducting summary executions.⁵⁸ So far, there continues to be a constant restriction of free press and speech while political party activity has been tightly controlled, as has been the movement of student and dissident groups. Moreover it has been reported that among other things, SLORC continues to exercise a variety of other practices associated with the deliberate violation of human rights – and all this despite repeated appeals from ASEAN for self-restraint.⁵⁹

However there is more to this equation than just a ruling military regime fighting resistance from democratic campaigners. To the degree that the ruling junta has suppressed ethnic minorities, then we must also consider the extent to which the internal strife within Myanmar originates significantly from a history of ethnic and nationalistic tension. For almost fifty years the Burmese army has been in confrontation with ethnic insurgencies that have sought to gain greater autonomy from the majority Burmese. Though in 1989 the SLORC had negotiated a number of cease-fire agreements with the main ethnic minority groups, this was ultimately broken in 1994 when the Burmese army launched an

⁵⁵ The concept of 'constructive engagement' will be discussed with further detail in the next section.

⁵⁶ US Department of State, *Burma Human Rights Practices, 1995*, March 1996.

⁵⁷ Hiebert, M., Holloway, N., and Michael Vatikiotis, 'Fly in the Ointment' in *Far Eastern Economic Review*, June 12, 1997

⁵⁸ Moller., K, *op cit.*, p.1091

⁵⁹ For a review of human rights abuses perpetrated by the SLORC regime in Myanmar see the Amnesty International's *Annual Report 2000*. See also website: <http://www.web.amnesty.org/web/ar2000web.nsf/ebbd3384655495f2802568f500615e2f/3a9085ff93e50f80802568f200552950?OpenDocument>

offensive against the largest organised ethnic grouping, the Karen National Union (KNU).⁶⁰ Later that same year, the KNU broke into two factions (the Buddhist and the Christian) although this was believed to be a result of preceding government efforts to bring internal tension into the ethnic grouping. The Buddhist faction, officially known as the Democratic Karen Buddhist Organisation (DKBO) subsequently allied with the government, and this arrangement led to another Burmese military offensive on the Christian faction (still referred to as the KNU).⁶¹ This ultimately resulted in the destruction of the KNU's last defensive encampment along the Thai border.⁶² As a consequence, a large exodus of refugees have flooded into Thailand while the DKBO have continued to engage in cross border raids, even attacking refugee camps at times.⁶³ Needless to say, the matter continues to be a key source of tension between Yangon and Bangkok while timely and effective efforts at conflict management have been minimal. At the same time the government in Yangon continues to engage in armed confrontation with other ethnic minority movements such as the Shan United Army and the Karenni Progressive Party (KNPP).⁶⁴ Amidst all this confrontation, the use of landmines has been prominent, as have deliberate attacks on civilian and refugee populations, the use of forced labour, and the production and distribution of narcotics as a way to fund military campaigns.⁶⁵ For all the violence that has persisted within the state of Myanmar, ASEAN has been relatively ineffective at developing any tempering mechanism that would at least provide some conflict prevention value. Because of this, the Association's policy of non-interference and of course 'constructive engagement' has been severely condemned by the international community.⁶⁶

The cases in Indonesia, Cambodia and Myanmar, though major, are only some of the examples of intra-state conflict which pose perhaps the main source

⁶⁰ Human Rights Watch, *Burma: Entrenchment or Reform: Human Rights Developments and the Need for Continued Pressure*, Publication No.10, July 1995. Information also retrieved from website: <http://www.hrw.org/summaries/s.burma957.html>

⁶¹ Henderson, J., *op cit.*, p.37

⁶² Haacke, J., *op cit.*, p.591.

⁶³ *Ibid.*

⁶⁴ Amnesty International, 'Myanmar' in, *Annual Report*, 1999.

⁶⁵ *Ibid.*

⁶⁶ Collins, A., *op cit.*, p.112

of violent confrontation in the Southeast Asia region. Situations in the Philippines over the minority Muslim population in the state of Sabah and other cases of ethnic and nationalist tension on mainland Southeast Asia (particularly in the newest ASEAN members, not to mention the minority Muslim population in Southern Thailand) remain as disputes that have the ability to escalate into conflict if left unmonitored. The fact that such occurrences have often been brought to the attention of the international community has meant that those institutions charged with the responsibility of maintaining peace, such as ASEAN, are increasingly pressed to find timely responses to such events. In response to the question that was presented at the beginning of this section, it is asserted that although the uncertain nature of Southeast Asia's security environment immediately following the end of the Cold war may not have called for the creation of any intricate regional conflict management system, events within the past few years (in particular intra-state conflicts) has meant that it is even more important for ASEAN to consider some pro-active conflict prevention techniques. If ASEAN is truly to consider a more pro-active conflict management agenda, then its members should entertain the possibility that an effective preventive diplomacy regime with crisis prevention provisions should ultimately cater for intra-state conflicts along with those in the traditional inter-state sense. Our survey of the security environment of Southeast Asia reveals that violent conflicts still maintain a clear momentum, though many would argue that they are more likely to be in the intra-state dimension. The corresponding question that we now consider is on what grounds has ASEAN been responding to such post Cold War regional security conditions?

II.) Examining ASEAN's Current Approach to Conflict Management

A.) *The 'ASEAN Way' Becomes the 'ARF way'.*

ASEAN has responded to such post Cold War conditions by developing what seems at first glance, an intricate framework for co-ordinating multilateral dialogue and promoting regional co-operation on political and security affairs.

Not only has this been represented in the organisations efforts at incorporating political and security discussions into its existing structure, but perhaps more visibly in the creation of a new forum, the ASEAN Regional Forum (ARF), for security dialogue in the wider Asia Pacific region. Though discourse from ASEAN may allude to a burgeoning security organisation poised on laying the groundwork for an extensive array of confidence-building mechanisms, an examination of how the ARF has advanced would reveal that such an undertaking remains relatively one dimensional. A further look into the development process of the ARF will reveal that although it was formed in 1994, the institution is devoted to a program of dialogue between high ranking diplomatic and military officials. Perhaps the only confidence-building utility of this effort has been a 'getting to know you' style of diplomacy that is indicative of ASEAN diplomatic culture.⁶⁷ These confidence-building measures are oriented towards a strategy of 'long term preventive diplomacy' where the primary goal is to improve political relations between states so as to gradually remove the functional value of conflict. This initiative has so far been more about transplanting the ASEAN way rather than developing new criterion for multilateral co-operation in the 'short term preventive diplomacy' sense.

The ASEAN Regional Forum and Conflict Prevention

In the early 1990s, rhetoric from the ASEAN dialogue network pointed towards the assumption that although Southeast Asia at the time was in a period of relative calm and stability, it was not completely free from a number of issues which could become sources of regional conflicts. More importantly however, it was felt that the end of the Cold War represented an opportunity for the ASEAN members to develop an indispensable foundation of political and security arrangements with the countries of the wider Asia-Pacific region. This was a new security arrangement that reflected the Association's needs to bring the main regional powers into a new security order and to construct a politico-security

⁶⁷ This term was made reference to by Michael Leifer, in 'The ASEAN Regional Forum', Adelphi Paper No.302, International Institute for Strategic Studies, Oxford University Press, New York, 1996.

grouping where it could play an important, if not central, role.⁶⁸ Correspondingly ASEAN was seen to be in a prime position to act as interlocutor between the region's major powers,⁶⁹ while the organisation's approach to intergovernmental dialogue was thought of as conducive for bringing together such a wide range of participants (since it did not imply the creation of any formal security structures and therefore did not demand a high political duty for such co-operation).⁷⁰ ASEAN's efforts thus came into effect at the 4th ASEAN Summit (1992), when the members officially expressed a willingness to develop a new mechanism for exploring the areas of increased political and security co-operation. Although the ASEAN Post Ministerial Conferences (PMCs) were already providing a venue where ASEAN and its select dialogue partners had been getting accustomed to the trend of discussing political issues, it was felt that such a venue was too limited for extended discussions (especially with additional participants) on regional security.⁷¹ The ASEAN members therefore came to an agreement to create a separate forum for such a purpose and at the 23rd Ministerial Meeting (1993), it officially made mention of establishing the ASEAN Regional Forum. This marked a key stepping stone for ASEAN since it was the first time that specific reference was made to the organisation's political and security role.⁷²

The ASEAN Regional Forum was officially established in 1994 (Bangkok) where it was stated that a key purpose was to develop an institution that would have the task of researching into the possibilities of implementing the

⁶⁸ Department of East Asian Affairs, *Document on the Background of the ARF*, the Ministry of Foreign Affairs, Bangkok, Thailand, 1997.

⁶⁹ To this extent some observers have stressed that the establishment of the ARF was largely a result of a compromise between China and the United States though with ASEAN in the drivers seat. For instance see Mak, J.N., 'ASEAN and Southeast Asia: multilateralism and cooperative security' in A. McGrew and C. Brook (eds.) *Asia-Pacific in the New World Order*, Routledge, London, 1998, p.116. In addition to this, Mak has pointed out that the ARF is unique in that the big powers were prepared to allow a grouping of small-middle powers to be at the head of the regional security initiative.

⁷⁰ Leifer, M., *The ASEAN Regional Forum*, Adelphi Paper No.302, International Institute for Strategic Studies, Oxford University Press, New York, 1996, p, 26

⁷¹ ASEAN, Press Release, 1995.

⁷² For a critical account of the regional political environment which accommodated ASEAN's initiative, see Leifer, M., *The ASEAN Regional Forum*, 1996, pp.21-26. Importantly Leifer makes the point that the ability of ASEAN to create the ARF was highly conditional to the fact that ASEAN could not afford to construct a post Cold War security arrangement without the rest of the countries of the Asia Pacific, that ASEAN's well known process of dialogue made no unpalatable political or economic demands on potential members, and that the major powers of the region were incapable of forming such a concert arrangement among themselves.

practices of preventive diplomacy and confidence-building for the participating countries.⁷³ With such a declaration, it was easy to make the assumption that this new organisation had the potential to serve as a catalyst for ASEAN to gradually take on pro-active conflict prevention mechanisms. However the fact that the ARF was not provided with any administrative body or permanent secretariat was clear indication that its main purpose as a forum for inter-governmental dialogue would remain for quite some time. Though it can be argued that it was only natural for the ARF at this introductory stage to borrow from the ASEAN consultative dialogue system, it is necessary for us to consider that the organisation would have needed to face a number of challenges before constructing an elaborate programme for multilateral security co-operation. These included in particular, dealing with a host of contending security perceptions and conflicting state interests, and in this context, contriving a suitable paradigm for confidence-building that would be able to address impending security concerns (given that ASEAN had never ventured formally into the realm of military confidence-building).⁷⁴ Already the first meeting of the ARF saw China resisting the Australian-Canadian proposal for working groups of officials to promote practical confidence-building measures, and any future negotiations on the conflict in the South China Sea within the ARF framework. Other specific questions raised by regional observers at the time included how would ASEAN, given its centrality to the ARF, be able to promote security dialogue in Northeast Asia without appearing to treat certain states from that sphere as subordinate players, and how would such a power as the United States respond to ASEAN leaving certain controversial issues off the formal dialogue agenda? In light of this, what was required was not the imposition of any elaborate philosophy or schedule for institutional development, but a forum which would be able to generate an initial level of political co-operation so as to at least move the ARF forward.

⁷³ At this first ARF meeting, the official participants consisted of the ASEAN members, the Dialogue Partners (Japan, Republic of Korea, the United States, Canada, Australia, New Zealand, and the European Union), the Observers (Laos, Vietnam, Papua New Guinea), and the Consultative Partners (China and Russia). See Appendix B, Chairman's Statements from ARF Meetings I to VI. The Chairman's Statement of the First ARF Meeting in 1994 states that 'the ARF would be in a position to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region'.

⁷⁴ Leifer, M., *op cit.*, p.33

At the second ARF meeting in Brunei (1995) the production of the ARF Concept Paper (a document explaining the purpose and direction of the forum) was seen by many as an impressive, if not ambitious, program for the evolution of the organisation.⁷⁵ The key reason for this was that it made reference to a three-stage evolution process for the ARF, with the Stage I focusing confidence-building, Stage II on preventive diplomacy and in the longer term, Stage III dedicated to studying approaches to conflict resolution. To a certain extent, the introduction of the Concept Paper was a vehicle for ASEAN to assert its role as the chief agenda setter for the newly formed security forum. This was done by the stipulation that the ARF's rules of procedure were to be based on ASEAN's codes of conduct, in particular the practices of consultation and consensus (*Musyawah-Mufakat*). But it also should be noted how the Concept Paper placed emphasis on the incremental process by which intergovernmental co-operation among the ARF participants was to evolve, and how it could not be taken for granted that the ARF will easily transform into an active security organisation. Here the Concept Paper makes mention to how "without a high degree of confidence among ARF participants, it is unlikely that they will agree to the establishment of mechanisms which are intrusive or autonomous". For this "political reality" the Paper then mentions that "the ARF should also progress at a pace comfortable to all participants" where it "should not move too fast for those who want to go slow and not too slow for those who want to go fast".⁷⁶ The Concept Paper also referred to the idea that the ARF is a "sui generis" organisation without any established precedents to follow.

While the meeting promoted confidence-building measures through advocating participation in the UN Register of Conventional Arms and the voluntary submission of an annual statement on defence policies, it should be also noted that a significant achievement was the endorsement of the inter-sessional activities as a key supporting network to the ARF annual meetings. These were a schedule of diplomatic meetings (at the senior officials level) in

⁷⁵ See Appendix C, *The ARF Concept Paper*.

⁷⁶ *Ibid.*

which activities were held at the official level (Track One,) and non-official level (Track Two). Although they began soon after the first ARF meeting in 1994 (with discussions covering confidence-building in the Asia Pacific, peace-keeping and preventive diplomacy), it has been suggested that they only rose to prominence in the ARF process during 1995-96 term (topics for discussion here included confidence-building measures, peace-keeping and co-operation on search and rescue).⁷⁷ Because the ARF meetings were held at the ministerial level with much attention being given to ceremony and the production of the Chairman's statement, the inter-sessional meetings were seen as a venue whereby the actual details of regional political and security collaboration were being studied. One more important remark to make on the inter-sessional meetings is that while it involved diplomatic and military officials attending the Track One meetings, such officials were also encouraged to participate in the Track Two meetings along with academics or designated specialists. In the Concept Paper, the Track Two process has also been mentioned as being vital for the ARF process, as it stated that:

"Given the delicate nature of many of the subjects being considered by the ARF, there is merit in moving the ARF process along two tracks. Track One activities will be carried out by ARF governments. Track Two activities will be carried out by strategic institutes and non-government organisations in the region, such as ASEAN-ISIS and CSCAP. To be meaningful and relevant, the Track Two activities may focus, as much as possible, on the current concerns of the ARF. The synergy between the two tracks would contribute greatly to confidence building measures in the region. Over time, these Track Two activities should result in the creation of a sense of community among participants of those activities."⁷⁸

By the time of the third ARF meeting in Jakarta (1996), it could be argued that the metamorphosis of the 'ASEAN way' into the ARF proceedings was more or less definitive. ASEAN was guiding a system that worked on an annual ministerial meeting, a preliminary senior-officials meeting, and frequent inter-sessional meetings throughout the year. It was at ARF III that the activities

⁷⁷ See Appendix B on ARF Chairman's Statements of the Second ARF Meeting in 1995.

⁷⁸ ARF Concept Paper, Article 11, 18 March 1995. See Appendix C.

outlined at the senior officials level had expanded to include certain issues that would come to be permanent fixtures on the forums agenda. These included co-operation on disaster relief, peace-keeping operations, and specific confidence building measures (comprising of the exchange of defence policy statements, the publication of defence white papers, participation in the United Nations Conventional Arms Register, participation in sub-regional security dialogues, the establishment of high level defence contacts, joint defence training, and participation in disarmament or non-proliferation regimes).⁷⁹ Accordingly the organisation of the inter-sessional meeting has reflected the areas in which the participating members have been able to develop working relationships. For instance since the 1996 meeting, Track One discussions have mostly covered disaster relief (not to mention search and rescue co-ordination) and confidence-building measures, while 'Expert level' activities have come in the form of a demining course and a seminar on peace-keeping operations, leaving the Track Two process to cover such topics (where it is felt that more research is needed before being admitted to the Track one process) as non-proliferation and preventive diplomacy.⁸⁰

Although criticisms emerged on how the forum was relatively confined to being nothing more than an annual talk shop, the ASEAN position was to advocate that this was significant progress given that it was, after all, the first time ever that such countries were involved in discussions of this kind. The task facing ASEAN at this stage was to not directly address impending regional security issues nor was it to move the agenda towards considering the possibility of more pro-active conflict management activities. Rather the ASEAN disposition was largely to form a political climate that would enable the participating members to further develop frameworks of security co-operation. For instance in the Chairman's Statement it is mentioned that "ASEAN undertakes the obligation to be the primary driving force" of the ARF, that "the

⁷⁹ See Appendix B, Chairman's Statement of the Third ARF Meeting, 1996. An overview of the progress of The Inter-Sessional Support Group on Confidence Building measures would reveal discussions on security perceptions, defence policy publications, enhancing high-level defence contacts and exchanges among defence staff, participation in the UN Register of Conventional Arms, and other confidence building measures.

⁸⁰ The issue of preventive diplomacy being discussed at the Track Two level of ARF

ARF should expand carefully and cautiously” and that “it would be advisable to consolidate the ARF process before expanding it rapidly”. In this case, reference to continuing discussions on issues like the importance of the Indonesian sponsored workshops on Managing Potential Conflict in the South China Sea, progress in the Northeast Asia security dialogue, and participation in global arms control and disarmament regimes (acknowledgements indicative of successive Chairman Statements) have remained key features of ARF parlance ever since. The point made by ASEAN has been that such a commitment to dialogue was necessary to increase transparency, encourage habits of co-operation and enhance mutual understanding within such a diversified grouping.⁸¹

It is important to mention that our analysis considers the progress of the ARF until the fifth ministerial meeting in 1998. For many observers, a review of how the forum has functioned in this time period may suggest limited progress because the agenda did not develop substantially beyond the aforementioned confidence building measures. But it is also important to observe how again, ASEAN was able to certify its centrality in the ARF by mentioning in the Chairman’s Statement that the Ministers “welcomed the positive role played by the Association of Southeast Asian Nations in enhancing regional peace and stability” and that “the expansion of ASEAN membership contributes to these objectives”.⁸² Moreover the Chairman’s Statement had mentioned how the ARF’s process of dialogue was able to sustain an atmosphere conducive to the ASEAN tradition of diplomatic community building. To this extent it stated that :

“The Ministers noted that the ASEAN Regional Forum (ARF) has developed into an important forum for multilateral security dialogue and co-operation in the region. The process has progressed at a pace acceptable to all participants, enabling increasingly frank discussion of issues of common concern while encouraging habits of co-operation and instilling a pattern of constructive behaviour. It has played a positive role in enhancing mutual understanding and trust, promoting greater

proceedings will be discussed with more detail in the following section.

⁸¹ A review of ARF Chairman’s Statement and other related documents, whether they be press releases from ASEAN foreign ministries or text taken from speeches, makes frequent mention to this position.

⁸² Chairman’s Statement of the Fourth ARF Meeting, Subang Jaya, 1997. See also Appendix B for further detail on the areas of confidence-building that were discussed.

transparency as well as strengthening the commitment among participants to maintain peace and stability in the region. Recognising the diversity in the region, the Ministers reiterated the importance of maintaining the evolutionary approach adopted by the ARF process, and of taking decisions by consensus. The Ministers agreed that a strong foundation has been laid in dealing with future challenges facing the ARF. The Ministers noted that the informal discussions at the Retreat held in the course of the ARF SOM in Langkawi had enabled an open and in-depth discussions on the future direction and pace of the ARF. The Ministers also noted 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.”

By the fifth ARF Meeting in 1998 (at the time of writing), the forum's activities approximated to ten meetings per year with one at the ministerial level and the remaining at the senior officials level (comprising of the main senior officials meetings and the inter-sessional meetings). With ASEAN steering the course of the ARF's activities, the forum remained with the themes of confidence building, and co-operation on specific issues such as disaster relief and peace-keeping operations. It was mentioned in the Chairman's Statement that "the ARF had been living up to its potential and to the important role it had been envisioned to play in further strengthening the foundations for regional peace and stability". In this case, we should consider whether it was the gist of ASEAN's efforts to promote confidence building measures of a certain kind - in particular those that did not imply any formal negotiations. If so, then the assumption here is that ASEAN's consultation and dialogue process should enable the participating members to present and explain their views, discuss their positions, and understand each other's perceptions and interpretations. It has been suggested that this is a process which can allow the participants to become aware of their respective positions and concerns – and thus the basis for their actions.⁸³ The result of these activities is hopefully a transformation in thinking, a reassessment of policies, or even a redefinition of objectives, all of which may lead to the reduction of tensions and the adoption of policies that prove mutually profitable to all. Moreover since the exchange of accurate information may demonstrate to the participants that certain actions or behaviour do not constitute as a security threat, such activities should also be able to increase the

compatibility of security perceptions among the participating members. Though it has been argued that substantial confidence building measures eventually should be able to address specific issues through negotiation, we should remind ourselves that ASEAN's deliberate preference to avoid them derives from the fact that the organisation has had little experience with this particular methodology.

Regardless of the fact that the ARF has specifically focused on promoting dialogue activity, it would not be out of context to suggest that the group's discussion have covered a progressive set of ideas. It should be noted that the ARF-based seminars on peace-keeping operations have focused on a framework of co-operation designed to support the activities of the United Nations. So far ARF activities have seen peace-keeping being discussed at the Track One level and in this case, priority has been to research into the ways in which ARF members can co-operate to support the world organisation's peace-keeping function. Aspects of peace-keeping that have been deliberated on include peacekeeping training courses, the creation of a peace-keeping operations committee to exchange views on current UN operations, and developing a roster for peace-keeping trainers within the ARF network.⁸⁴ Additionally the fifth ARF was able to hold discussions on certain issues which could fit into the scope of our stipulated preventive diplomacy. These include enhancing the role of the ARF Chairman in the area of good offices (where it was agreed to recommend that the role of the ARF Chair be expanded to include liaison with other regional forums, such as the OAS and the OSCE), and an 'in principle' agreement to develop a register of experts or eminent persons for preventive diplomacy. Other noteworthy measures have come in the form of an agreement to encourage, amongst the ARF members, the practice of briefing each other on security issues of concern (either on a bilateral basis or through the ARF), and support for the concept of a regular publication of an annual security outlook. For instance it was mentioned in the Chairman's Statement that:

⁸³ Desjardins, M., *op cit.*, p 18.

⁸⁴ Details of ARF Track One discussion on peace-keeping can be found in the Chairman's Statements I through VI. This has been attached as Appendix B.

“Noting that the distinction between CBMs and preventive diplomacy was blurred, and in light of the decision of ARF 2 that the consideration of these two issues could proceed in tandem, the Ministers agreed that the ISG should further consider the following tabled proposals: an enhanced role for the ARP Chairman, particularly the idea of a good offices role, the development of a register of experts or eminent persons among ARF participants; Annual Security Outlook; and voluntary background briefing on regional security issues. The Ministers agreed that the ISG should hold two meetings in the next inter-sessional year with one meeting addressing the overlap between CBMs and preventive diplomacy, including the four proposals tabled.”

However, as much as we can appreciate these achievements as indications of how ASEAN might be able to move beyond ‘unobtrusive’ confidence building measures, we must also consider how the forum maintained a strong link with the ASEAN-steered dialogue process. Again, reference was made to how the Inter-Sessional Support Group on Confidence-Building Measures “had served as an effective forum for frank, open and substantive dialogue on the regional security environment, for the exchange of information on security-related developments in individual countries, and for the practice and doable activities to enhance confidence among ARF participants”.⁸⁵ Given this, there is no denying that the ARF has witnessed a gradual increase in political and security dialogue participation between the members over the years.⁸⁶ But it has also been the case that the ARF (as expected) has had less of an effect in addressing a number of other pressing regional security issues. These include for example, the process of political transition in the Indonesian territory of East Timor, the continuing political conflict in Cambodia, and the political and ethnic based conflicts in Myanmar and the Philippines.⁸⁷

⁸⁵ Chairman’s Statement of the Fifth ARF Meeting, Manila, 1998. See Appendix B.

⁸⁶ So far the forum has been able to promote specific issues as enhancing maritime co-operation, encouraging more participation by military officials in Track One consultations, and developing a system for collaboration on search and rescue operations.

⁸⁷ Though originally at the time of this analysis, research had only been able to consider events involving Fifth ARF Meeting in 1998, information from the Sixth ARF meeting in 1999 has recently been obtained and has been attached in Appendix B. It is noteworthy to mention that although the Sixth ARF Meeting saw discussions on the continuing confidence-building measures, considerable emphasis was placed on the working of the ARF as a diplomatic community. In this case the diplomatic traditions of ASEAN have played an important role. For instance it is stated in the Chairman’s Statement that “the

True that we must take into account that the forum was not specifically designed to handle such cases, and true that the Chairman's Statements have made mention of such problematic issues in the hope that those members states who were party to such conflicts would apply some measures to thwart the escalation of further hostilities. Yet the violent nature of these events and the implications they bring with them on human rights violations as well as unmonitored ethnic and nationalistic tensions has put ASEAN in a position where it can no longer circumvent such critical situations. This is a point that also sheds light on how it has been increasingly difficult for ASEAN to maintain its credibility as the main agenda setter for the ARF. Correspondingly, it has been suggested by observers such as K. Chongkittavorn that this lack of a proactive security posture may eventually constrain ASEAN from asserting itself and gaining respect from the major powers, while additionally, the inability of ASEAN to provide an alternative security view of its own may result in it being more or less caught up between the two pendulums represented by the US and China.⁸⁸

B.) From Constructive Engagement to Enhanced Interaction: ASEAN's Dilemma

We have mentioned how intra-state conflicts within certain ASEAN members have come to represent the most serious cases of violent conflict that threaten regional peace. We have also made mention of how ASEAN has been advocating a policy of constructive engagement to approach such issues. Our observation that this policy has not had a significant effect on quelling such

Ministers expressed satisfaction that the ARF has continued to serve as the key forum for political and security dialogue and cooperation in the region. They noted that since its inception in 1994, the ARF ministers and senior officials have become more comfortable with each other through frequent interactions at various ARF for a. Such enhanced comfort levels have enabled ARF participants to exchange views frankly on issues of common concern, thereby encouraging greater transparency and mutual understanding. The Ministers agreed to build on these strong foundations to move the process forward so that the ARF would continue to remain relevant and able to respond to the challenges posed by the changing political and security environment of the region. The Ministers noted the useful exchange of views at the lunch gathering of senior defence officials and welcomed the continuation of this practice at future ARF Ministerial Meetings".

⁸⁸ Chongkittavorn, K., 'ASEAN clout lacking in regional forum'. in *The Nation*, May 31, 1999, p A4

internal political disputes or preventing violence warrants a review of the ASEAN policy. It is essential to recall how the notion behind the policy of constructive engagement is not new to international relations. The term was first employed by the United States as a response to its problematic relationship with South Africa for most of the Apartheid years (1970-1985). In this era, constructive engagement was considered to be an alternative approach to foreign policy that on the one hand recognised the illegitimacy of the Apartheid regime, while on the other avoided isolating South Africa from the international community. However, it has been emphasised that this type of constructive engagement was practised at a time when the strategic equation of a Cold War system was based on the balance of power and when the process of globalisation was not so advanced, thereby allowing less consideration for an increasingly integrated international economy or communication systems. However the current international system functions under a new environment and the implication here is that the effectiveness of such a policy is relatively untested when addressing an intra-state conflict in the contemporary sense.⁸⁹

The assumption behind the policy of constructive engagement is that inclusion, dialogue and negotiation are more useful in securing foreign policy objectives than exclusion or overt coercion. In this sense Chester Crocker has argued that its premise rests on the idea that it is possible to mediate and to apply pressure (through sustained contact) that will result in constructive change.⁹⁰ The key though is not radical change but an evolutionary domestic political change for the purpose of maintaining order and stability at the internal and regional level. The general premise of this policy is that economic and trade inducements can help to bring about political transformation. Here commercial interests and financial concessions are used to integrate a state into the international community, thereby creating a more conducive environment for negotiation or at least other ways of exerting pressure for political change. The idea is to apply economic co-operation not as much to impose a particular pattern of internal

⁸⁹ Vodanovich, I., *Constructive Engagement and Constructive Intervention: A Useful Approach to Security in Asia Pacific?*, University of Auckland, source retrieved from <http://focusweb.org/focus/pd/sec/Altsec2/vodanovich.htm>

⁹⁰ Crocker, C., 'South Africa: Strategy for Change', in *Foreign Affairs*, Vol, 59, No.2.,

political change, but to make the state in question realise the need to transform as well as the advantages of doing so. The fundamental component is that such inducements to reform should be accompanied by clearly defined and limited negative conditions.⁹¹

However the ASEAN version of constructive engagement has been problematic to say the least. This especially applies to the organisation's approach to the political conflict in Myanmar for the past decade or so. The general thesis has been that ASEAN's practice of constructive engagement towards Myanmar has not been relatively ineffective because it did not start out with the desire for influencing internal political reforms as a clear objective. Rather the ASEAN approach has been influenced more by concerns for economic gain, especially when considering that Thai army commander Chavalit Yongchaiyut arranged generous logging and fishing deals with the Burmese regime in 1988. The suggestion here is that the ensuing contact between military and civilian bureaucracies from both countries came to inspire ASEAN's approach of constructive engagement towards the junta.⁹² The problem was that ASEAN's proceeding policy of constructive engagement did not exert enough pressure on the Burmese regime and has thus been interpreted by many as accommodation more than anything else.⁹³

It is important to acknowledge how in principle, constructive engagement complements the 'ASEAN way' of conflict management. By allowing ASEAN to maintain sustained links with the regime in Burma, constructive engagement does not pose any challenge to the traditional ASEAN approach of dialogue-based confidence building. Moreover, since constructive engagement leans

1981. This was cited in Vodanovich, I., op cit., p.2

⁹¹ Vodanovich, op cit., p. 2.

⁹² See Moller, K., 'Cambodia and Burma: The ASEAN Way Ends here' in *Asian Survey*, Vol. 38, No. 12, December 1998.

⁹³ However this is not to say the ASEAN members refrained from making any gestures to Myanmar over the need for an improvement in that countries internal situation. For example in 1992, Malaysia opposed Myanmar's invitation to attend a foreign ministers meeting because of the junta's treatment of the Muslim Rohingya minority, and in 1995 the ASEAN members came to warn Myanmar that its admission into the organisation would require 'further progress on the domestic front'. The point is that in the traditional ASEAN style, such gestures were relatively modest in nature and overshadowed by other initiatives to engage Myanmar in trade and in dialogue.

heavily towards the assumption that exposing Myanmar to commercial activity will eventually bring about a change to the political system, it does not impose any political costs for the ASEAN members. The main point here is that ASEAN was able to use constructive engagement as part of its dialogue framework. It is unobtrusive in nature, just as the 'ASEAN way' is. The problem was that ASEAN's actual practice of constructive engagement did not appear to have an effect on promoting internal political change or preventing continued violence in Myanmar. ASEAN was not able to derive a common position on how far it would accept Myanmar's political situation before considering any uncooperative conditions. This was for several reasons.

First was that in the early years of constructive engagement, the ASEAN members resorted to the practice of the 'frontline state'. The ASEAN practice of the 'frontline state' mandates that the member state with the closest proximity to the conflict situation and thus with the more immediate security concerns, is allowed to guide or lead collective initiative on an issue. In the case of Myanmar, Thailand's policy direction initially gave priority to building economic ties and interdependence rather than conveying to Myanmar the importance of concomitant political reform.⁹⁴ Second the ASEAN members themselves eventually could not come to an agreement on the likely negative conditions to convey to the Burmese regime regarding the stagnant internal political situation within that country.⁹⁵ Third and perhaps more importantly, a prevailing goal within the ASEAN to have all ten of the Southeast Asian states as members meant that for many years (until Myanmar became member in 1997), the ASEAN members tended to avoid any severe gestures of political contention with the Burmese regime.⁹⁶ As such ASEAN's constructive engagement towards

⁹⁴ Hacke, J., 'The concept of flexible engagement and the practice of enhanced interaction', in *The Pacific Review*, Vol.12, No.4, 1999, p.588

⁹⁵ Moller, K., *op cit.*, p 1089

⁹⁶ To this extent it is important to observe how from the early 1990's until Myanmar's inclusion into ASEAN in 1997, several ASEAN members persisted with the policy of introducing Myanmar to the organisation's activities regardless of a lack of change in the internal political situation in that state. These included inviting Myanmar to attend foreign ministers meeting, allowing Rangoon to become a signatory to the Treaty of Amity in 1995, and even unilaterally advancing Myanmar's accession date from 2000 to 1997 (in the case of Malaysian Prime Minister Mahathir). For an effective analysis into the diplomatic practice concerned with this policy see Moller, K., *op cit.*, pp 1090-1091.

Myanmar was heavily criticised for not doing enough to instigate political change and prevent further violence.

After the inclusion of Myanmar in ASEAN in 1997, the organisation has still been uncomfortable with considering a complete reform to its policy of constructive engagement. In fact since ASEAN has expanded to include all ten Southeast Asia states, the organisation has had a relatively problematic relationship with this policy, suggesting also that the 'ASEAN way' has been experiencing similar difficulties. The organisation's members have been increasingly at odds with each other over the issue, thus prompting fervent debate on the ways in which to reform the policy of constructive engagement. So far the issue remains as a point of controversial discussion that has only managed to put a strain on intra-mural political solidarity. Notably it was the financial crisis which swept the region in 1998 along with the recent crisis in Indonesia which have fuelled extensive debate on the usefulness of ASEAN's practice of constructive engagement and more specially, the sacrosanct corporate policy of non-interference. On the one hand the recent financial crisis has meant that ASEAN's economic relations with its Western dialogue partners are becoming more essential, thus prompting ASEAN to pay much more attention to international pressure for political change in Myanmar and other cases of intra-state conflict in the region.⁹⁷ On the other hand the recent expansion of ASEAN to include all ten members has called for the original members to reaffirm the institutional principle of showing mutual respect for sovereignty and therefore, non-interference in the internal affairs of a member state. The result has been an ailing sense of ASEAN political cohesion and direction, with the member states increasingly at odds with each other over the organisation's contemporary conflict management apparatus.

For instance in 1997 Malaysian deputy premier Anwar Ibrahim raised the notion of 'constructive intervention' to suggest that ASEAN should become more proactive and hence reconsider the way it approaches intra-state conflicts. In this concept Ibrahim makes reference to intervention for reasons of 'the

⁹⁷ Collins, A., *op cit.*, p.112

strengthening of civil society and the rule of law' and the need to consider such activities as assistance in electoral processes.⁹⁸ Ibrahim's basic argument was that Southeast Asian interdependence necessitated 'constructive intervention' in situations where the threat of spill-overs of domestic, economic, social and political upheavals can seriously undermine the stability of the entire region.⁹⁹ Importantly though, Ibrahim's recommends that such an act of intervention would need to be invited by the concerned state rather than imposed upon by ASEAN, and would take the form of economic assistance rather than military. The key here was that it was an approach that offered an alternative to the 'ASEAN way' while at the same time remaining consistent with the principle of non-interference. However support for Ibrahim's suggestion was not forthcoming until almost a year later when Thai foreign minister Surin Pitsuwan introduced the idea of 'flexible engagement.'

Surin's proposal suggested that the ASEAN states should be able to offer constructive criticism and advice to each other, especially if there is an issue in one member state that affects another, or if one member's actions offends the principles of another. Although the Thai foreign minister has argued that flexible engagement would not encroach on the principle of non-intervention, it would be difficult not to interpret the proposal as a key policy shift for the organisation if adopted. In other words, although the foreign minister mentioned that flexible engagement can complement the policy of non-intervention, he did not point out how this could actually work. One of the key implications of 'flexible engagement' was that ASEAN would act as a forum for members to comment on the behaviour of their neighbours, when such behaviour adversely affected the disposition of another country, or when it affected ASEAN's diplomatic credibility.¹⁰⁰ In this case constructive criticism would be directed towards pressuring the state in particular into changing its policies, and would also involve countries recommending solutions to the problem. Here the foreign minister makes the point that "ASEAN countries should have sufficient self-confidence in one another, both to discuss all issues once considered taboos with

⁹⁸ Funston, J., 'ASEAN: Out of Its Depth?' in *Contemporary Southeast Asia*, Volume 20, Number 1, April 1998

⁹⁹ Henderson, J., *op cit.* p 51

one another with candour and sincerity, and to speak out on such issues in good faith when necessary and appropriate". It is important to mention that although the ASEAN members are not unfamiliar with being involved in the domestic affairs of their fellow members, such incidences have tended to take place behind closed doors and well within the realm of quiet diplomacy.¹⁰¹ It is the public manner of this constructive criticism which is suggested by flexible engagement that breaks the mould.¹⁰² As the foreign minister has suggested:

"ASEAN members perhaps no longer can afford to avoid passing judgement on events in a member country, simply on grounds of 'non-interference'. To be sure, ASEAN's respect for the sovereignty of fellow members is one reason why the grouping has come this far and enjoyed such longevity. However, if domestic events in one member's territory impact adversely on another members internal affairs, not to mention regional peace and prosperity, much can be said in favour of ASEAN members playing a pro-active role. Consequently it is obvious that ASEAN countries have an overriding interest in the internal affairs of its fellow members and may, on occasion, find it necessary to recommend a certain course of action on specific issues that affect [sic] us all, directly or indirectly. Or, to be explicit, we may need to make intra-ASEAN relations more dynamic, more engaged, and , yes, more 'constructive' than ever before."¹⁰³

It is important to acknowledge several potential reasons why Thailand came to propose such a policy at such a time. One key reason, as suggested by Jurgen Haacke, is that Thailand's economic recovery from the financial crisis in 1998 called for greater sensitivity to the foreign policies of its Western trading partners, in particular the USA and the EU.¹⁰⁴ This applies especially to the case of Thailand's relationship and foreign policy towards Myanmar. By the same token, Haacke has further mentioned that the policy was introduced as a manoeuvre to reinforce Thailand's credentials as a democratic state. In this case, it should also be acknowledged that the proposal was driven by Bangkok's need

¹⁰⁰ Henderson, J., *op cit.* p.50

¹⁰¹ Ramcharan, R., 'ASEAN and Non-Interference: A principle maintained' in, *Contemporary Southeast Asia*, Volume 22, Number 1, April 2000, p.60

¹⁰² Hacke, J., *op cit.*, p.584

¹⁰³ Pitsuwan, S., 'Currency turmoil in Asia: the strategic impact', remarks at the 12th Asia-Pacific Roundtable in Kuala Lumpur, 1 June, 1998.

¹⁰⁴ Hacke, J., *op cit.*, p.588

to bolster ASEAN's image as an organisation ready to amend its constructive engagement policy. Importantly this served the purpose of bestowing upon Thailand a more prominent role in mainland South Asia as well as in ASEAN. The point is that flexible engagement was a product of Thailand's foreign policy machinery that represented a unilateral initiative to introduce a fundamental reform to the 'ASEAN way'. It is necessary for us to acknowledge that this symbolised increasing differences of opinion within ASEAN over the future direction its conflict management apparatus. Clearly the Association's well-known consensus was shaken and it was done in a relatively public manner. To a large degree the proposal for flexible engagement portrays how ASEAN has been unable to commit itself fully to examining the conditions for developing a preventive diplomacy agenda. With the assumption that non-interference should remain intact, and the parallel assumption that taking on a preventive diplomacy capability may bring about a change to this principle, the notion of a more proactive ASEAN has therefore been a source for debate between the organisation's members.

It was not unsurprising then that the proposal of flexible engagement was eventually rejected at ASEAN's ministerial meeting in July 1998, even though it had already gained support from the Philippines – an ASEAN member facing several internal political difficulties. In the event however, the notion was abandoned because of not enough support from the members states, in particular those who held the belief that, if implemented, such an alteration to the ASEAN way would have led to forms of intervention or involvement that eventually would have proved unpalatable.¹⁰⁵ Instead the member states came to agree upon a concept of 'enhanced interaction' as a response to Thailand's proposal. The policy of enhanced interaction implies that ASEAN could have more open exchanges on issues with clearly defined cross-border effects while respecting the principle of non-interference.¹⁰⁶ The emphasis however, was that the Association could play a greater role when it comes to addressing trans-national security threats such as piracy or drug trafficking, and not necessarily situations that are internal by nature. The key was that internal issues may not be

¹⁰⁵ *Ibid.*, p.584

¹⁰⁶ Henderson, J., *op cit.*, p.52

appropriate for discussion at the multilateral level, though this does not prevent individual governments from making their own constructive criticisms. From this perspective, enhanced interaction becomes the national variant of what would have been the institutional policy of flexible engagement.¹⁰⁷ It is not difficult to see that the policy corresponds to a compromise between those ASEAN states who favour a policy change and those who remain opposed to it. Although recent rhetoric from the ASEAN Secretary-General suggests that the notion should encourage more 'intensive and more free interaction' between the ASEAN states, we must also recognise how it denotes the many lingering obstacles towards ultimately reforming the organisation's regional conflict management practices. As of yet, enhanced interaction, ASEAN's most recent interpretation of its well-known 'way', has not been given enough chances to see whether it can have an impact on encouraging peaceful approaches to difficult internal political situations and more importantly, on preventing conflict at the intra-state level. Its ambiguity in practice goes to demonstrate that the 'ASEAN way' is in many ways adamant, regardless of signs of change. The crucial point is that if such a policy is modified, ASEAN's capability to prevent inter-state and intra-state violence will be significantly enhanced. This then opens the door for the organisation to advance the idea of preventive diplomacy from the Track Two process. But as previously mentioned, ASEAN will move on only with a consensus and this remains as one of the organisation's most pressing challenges.

III.) The ARF and Preventive Diplomacy: An Uncertain Beginning

At this juncture we recall how ASEAN's initiative to construct a post cold war regional security order has made affirmation of the importance of preventive diplomacy as part of this scheme. Although it has often been said that ASEAN is applying its traditional approach of confidence building or what the Association itself has referred to as a 'type of preventive diplomacy', it is clear that this model does not resemble the stipulated definition which is the central

¹⁰⁷ Haacke, J., *op cit.*, p.598

focus of this thesis. The reference made by a number of observers to ASEAN's preventive diplomacy, as previously stated, is more of the kind that is within the parameters of co-operative security and the use of confidence building measures so as to improve political relations between entities. (We have referred to this as 'long term' preventive diplomacy in previous discussions.) Since our study is based a specific paradigm of preventive diplomacy, in general one that considers the use of specific measures to prevent the emergence or escalation of violence at the inter-state and indeed intra-state level, it is only necessary that we investigate into whether ASEAN has taken any initiative towards this paradigm. Interestingly enough, the organisation has mentioned this interpretation of preventive diplomacy throughout the activities of the ARF, particularly by juxtaposing a project to canvass the conceptual and practical aspects of the term with a declared objective to increase co-operation with the United Nations in regional security management. The central question is whether this initiative has been a genuine commitment to relate to this version of preventive diplomacy at all?

Preventive diplomacy aimed at thwarting imminent violence has more or less played an uncertain role in ASEAN's design for a post Cold War Asia-Pacific regional security order and as such, it is necessary to take a review of the concept as it has developed within the deliberations of the ARF. An initial observation is that although ASEAN has been associated with confidence-building, the organisation has recently chosen to approach 'preventive diplomacy' as a distinct undertaking. Indeed ASEAN has made reference to the importance of preventive diplomacy (specifically the version mentioned in *An Agenda for Peace*) from the very on-start of its new security forum. But it was also recognised that a more complete understanding of the term was needed before moving on to the possibility of putting it into practice. As such the early references to preventive diplomacy made by ASEAN were so that this new forum would be able to conduct research into the concept on an informal basis. However the fact that the ASEAN members have regarded this as separate activity to its own confidence-building practice exemplifies a departure, at least conceptually, from the Association's tradition of giving precedence to inter-state conflict management measures or those which can be distinguished as part of

'long-term preventive diplomacy'. Though this may allude to ASEAN's aspiration to eventually take on certain preventive diplomacy functions, the topic has so far been confined to Track Two activities of ASEAN and the ARF. The debate and research into preventive diplomacy within the ARF reveals to us that the participants, though recognising the importance of being able to handle episodes of violence (which have a direct affect on regional security), are cautious towards putting forth any definitive suggestions as to how the such a capability can be developed under ASEAN guidance. Because of this, there is little agreement on the purpose and preventive diplomacy for ASEAN, and by ASEAN. It may be the case that such a reluctance to move the topic to the Track One level is reflective of how the ASEAN members currently see preventive diplomacy as counter-productive to the well entrenched 'ASEAN way' of conflict management.

A.) Preventive Diplomacy Revisited

It was at the first set of ARF inter-sessional meetings in 1995 that preventive diplomacy seminars came to be introduced as a permanent fixture of the Track Two processes. It would be fair to imply that the political momentum driving the formation of the ARF was represented at this first informal seminar as many proposals concerning the scale and scope of preventive diplomacy were submitted. These included for example the notions that preventive diplomacy serves as a clear separation from normal diplomacy, that the definition of the concept given in *An Agenda for Peace* was to be utilised as a reference point for the ARF framework, and that preventive diplomacy was more than just crisis management. More notable observations at this event included the fact that clear reference was made to how the concept was about preventing the emergence and the escalation of violence and the fact that preventive diplomacy within the ARF framework was to be based on consensus decision making rather than the imposition of political mandates. What seemed rather forward-looking was that this inaugural seminar had produced several observations on how it was imperative for the scope of preventive diplomacy to cover violence at the intra-

state level, and how the efforts of an institutionalised third party was especially important for the functioning of 'good offices'.¹⁰⁸

Yet it is necessary to recognise that although the Chairman's Summary had indeed referred to "intra-state problems such as those in Cambodia and Myanmar" and how "organisations must strive to establish themselves as legitimate and impartial through a variety of institutional measures", it did not make the suggestion that ASEAN or the ARF would be directly involved in such a capacity. Instead the report indicated that the ARF was able to make a "tangible contribution to preventive efforts via the promotion of confidence-building measures", while proposals for a regional conflict prevention (risk reduction) centre and crisis prevention exercises needed to be left to further study under the Track Two process.¹⁰⁹ But conceivably, a more important finding is that the ensuing report noted how the participating members were in disagreement over the precise role of institutions and formal structures for such preventive activities. Regardless of the fact that this first meeting saw enthusiastic contributions to the discussion on preventive diplomacy, it was also the case that such a large gathering of participants was advocating an extensive mixture of ideas on the meaning of the term.

The ARF Seminars on Preventive Diplomacy have been regularly scheduled before the Inter-Sessional Support Groups on Confidence Building. Although they are held at the Track Two level, a number of participants from the Track One process would also attend (as they would need to attend the Track One meetings that immediately followed). Although such an overlap of participants may allude to the possibility for Track Two issues to be more expeditiously transferred to the Track One level, this has not been the case.¹¹⁰ The Track Two Meetings have been used more as a venue for a discussion on the many interpretations of the conceptual and practical interpretations of preventive

¹⁰⁸ Chairman's Summary, ARF Inter-Sessional Meeting and Seminar on Preventive Diplomacy, Seoul, May 1995.

¹⁰⁹ *Ibid.*, p.4

¹¹⁰ While conducting research for this thesis, the author was able to attend both the ARF Seminar on Preventive Diplomacy and the subsequent Inter-Sessional Support Group Meeting on Confidence-Building Measures in Bangkok, March 1999.

diplomacy put forth by the participants.¹¹¹ There have been three subsequent ARF seminars on preventive diplomacy since the first in 1995 and a tracing of how the concept has advanced within this dimension reveals that the participating members often have been at odds over its form and purpose. This is not to say that such Track Two deliberations have been void of a plethora of innovative recommendations on the techniques associated with a preventive diplomacy regime. The point is that if we are able to say that such proposals were innovative and varied (and indeed rather ambitious), we must then also consider how they are reflective of the many contending state interests within the forum over what the role of the ARF should ultimately be. For instance at the second seminar in 1996, discussions mentioned how ARF preventive diplomacy should be about non-military trans-national concerns¹¹², while a suggestion was also made to the possible establishment of an ARF military unit to operate “on the basis of equal and full participation of all ARF members”.¹¹³

In the case of trans-national issues it has been suggested that preventive diplomacy should address any situation if it becomes a source of conflict between states. This is premised on the notion that if two countries seemed to be heading for conflict over the illegal movement of peoples for example, the tools of preventive diplomacy such as good offices or mediation may then prove useful in reducing tensions. Yet observers such as Simon Tay have cautioned that focusing on trans-national issues inevitably results in a clash with ASEAN’s well enshrined principle of ‘non-interference’.¹¹⁴ What should then be asserted is that preventive diplomacy in intra-state conflicts does not amount to interference so long as it is carried out strictly by the invitation and consent of all the concerned governments (and where appropriate, other relevant political forces). On the other hand the problem with the proposal for an ARF armed forces unit is less

¹¹¹ At the meeting that was attended by the author, deliberations included presentations given by academics and then presentations given by individual officials (in their own capacity). Several ideas surrounding the scope of preventive diplomacy were discussed such as whether it would be possible in the case of humanitarian crises. But specific cases of internal political conflict were not brought up. What was most observable was the degree of familiarity and sense of community among the participants.

¹¹² These include drug trafficking, terrorism, piracy, the illegal movements of peoples, and even environmental degradation good offices or mediation may prove useful in reducing tensions.

¹¹³ *Chairman’s Statement*, ARF Working Group on Preventive Diplomacy, Paris 1996.

¹¹⁴ Tay, S., *op cit.*, p.23

difficult to identify as ASEAN has mentioned that it will rebuff any military capability for the ARF. Since avoiding the use of military measures has long been a tradition of the ASEAN way, it is unlikely that the Association will come to consider the idea of the ARF force, especially one that will not directly come under ASEAN command or control. Other noteworthy suggestions at this meeting included those for a regional information centre (as part of an early-warning system), a register of experts on preventive diplomacy, and the use of ad-hoc mechanisms such as working groups or special representatives. By the third seminar in 1997, discussions again produced an extensive list of recommendations that reflected a continued debate over the goals and methodologies of preventive diplomacy.¹¹⁵ Although the seminar saw the introduction of several new propositions, progress was only achieved in the recognition that multilateral co-operation was a form of preventive diplomacy¹¹⁶ and the recognition that confidence-building measures, in the context of the ARF, had the best prospects of success in the immediate future.¹¹⁷

It is not difficult to suggest that such seminars on preventive diplomacy represent an achievement for ASEAN and the ARF. For one thing they represent an opportunity for participating members to become familiar with specific instruments of conflict prevention and to consult with each other, in an informal capacity, on the areas of preventive diplomacy where they could possibly work together. Furthermore the meetings serve as places where specialist and academics can operate as part of a network of diplomatic and military officials while being able to research into the feasibility of specific conflict prevention techniques. This is also the first time that such a multilateral security co-operation activity has taken place in the Asia-Pacific region. Accordingly, the list of proposals in which these seminars have been able to bring into light, is a long

¹¹⁵ Some of the ideas raised at this meeting included the codification of norms regulating international behaviour in the region, the possibility of cooperating with the UN in developing regional early-warning capabilities, and the importance of norm-setting with regards to the situation in the South China Sea.

¹¹⁶ In this case the proposed areas of functional co-operation included simulation map exercises designed to enhance understanding and co-operation in a crisis situation, an annual Security Outlook to be discussed in Track One but produced at the Track Two level, and co-operation on specific trans-national issues such as maritime safety and terrorism.

¹¹⁷ *Co-Chairman's Report*, ARF Track Two Conference on Preventive Diplomacy, Singapore, September 1997.

one. The fact remains however, that despite performing as a think-tank entity, many of the proposals covered at these seminars, though plausible as they may seem for ASEAN, have remained at the unofficial level.¹¹⁸ The problem is that after three annual seminars, this trend had become relatively indicative of the ARF's experience with preventive diplomacy. By the time of the fourth informal seminar on preventive diplomacy in 1999, the participating members were still finding it difficult to agree on a process with which to introduce the issue to the Track One agenda. However the Bangkok meeting was able to yield more progress than any of the previous meetings as it saw the emergence of a generally accepted definition of preventive diplomacy that was agreed upon by the participating members.

At this meeting preventive diplomacy was defined, according to the participants, as "consensual diplomatic action with the aim of preventing severe disputes from arising between states which pose a serious threat to regional peace and stability, preventing such disputes from escalating into armed confrontation, and limiting the intensity of violence and humanitarian problems resulting from such conflicts and preventing them from spreading geographically".¹¹⁹ This definition further asserts that the conduct of preventive diplomacy should fully respect that principles of sovereign equality, political independence of states, territorial integrity, and non-interference in matters which are essentially within the domestic jurisdiction of any state. It is a perspective which essentially draws from the understanding that preventive diplomacy relies on diplomatic methods (such as quiet diplomacy, persuasion, negotiation, conciliation and mediation), that such methods are to be employed only at the request of the parties directly involved in a dispute (or with their consent), that measures involving military action or other coercive policies (such as sanctions) are outside the scope of preventive diplomacy, and that it is premised on timely action at an early stage of a dispute or crisis. It is a version of preventive diplomacy that has been amalgamated from various definitions (and in many ways a 'compromise definition') and one that can be considered as general rather than specific in

¹¹⁸ This point will be further discussed in Chapter Six.

¹¹⁹ *Chairman's Summary*, CSCAP Working Group on Preventive Diplomacy, Bangkok, March 1999.

nature.¹²⁰ Closer scrutiny of the term would also indicate that though it does make provisions for preventing violence deriving from humanitarian crises, it does not consider violence at the intra-state level as a subject. This is not surprising given that the ASEAN creed of 'non-interference in the domestic affairs' has been prevalent throughout the ARF's Track One and Track Two deliberations.

Along with this proposed definition, the discussions leading up to the Chairman's Statement were able to cover several issues linked to the practice of preventive diplomacy and its direct relation to ASEAN and the ARF initiative. As such many have remarked that the 1999 seminar has been perhaps the most progressive within the ARF Track Two process. The participating members were given a chance to acknowledge the role of non-governmental organisations (NGOs) in preventive diplomacy while citing the Indonesian sponsored Workshops on Conflict Management in the South China Sea as a important example. Though some delegates cautioned that preventive diplomacy was more appropriately a practice between states while questioning the neutrality of some NGO's, it was generally accepted that an impartial and trustworthy mediator or facilitator was crucial to any ARF initiative in providing good offices. At the same time the participants made the important reference to the possible applicability of preventive diplomacy to intra-state conflicts, though stating that such cases were more the exception than a general rule in the region. In this case several delegates came to recognise several events in the region as productive efforts in intra-state conflict prevention. These included Indonesia's role as facilitator in the dispute between the Philippine government and the Moro National Liberation Front, the ASEAN Troika experience in Cambodia, and the Thai/Malaysia Joint Development Area (aimed at preventing conflict by promoting joint development in the disputed territory).¹²¹

Another key achievement of this seminar was that the delegates took part in a simulation exercise as members of the Permanent Council of the OSCE

¹²⁰ This was specifically intended so that it would have a chance to enter into the ARF's Track One agenda.

¹²¹ These cases will be discussed later in the chapter and also in Chapter Six.

faced with the task of managing a crisis involving Crimea's attempts to declare independence from Ukraine. It was the first simulation of its kind within the Track Two seminars in which the delegates were given the opportunity to become acquainted with the complexities involved with the processes of preventive diplomacy. By the conclusion of the seminar the participants had come to agree on a set of forthcoming activities focused on reviewing the ways in which the ARF might consider when preparing to take on a preventive diplomacy role. These include developing a set of guidelines for the peaceful settlement of disputes, exploring the idea of establishing a Regional Risk Reduction Centre, establishing a system of self-reporting whereby ARF member states would report on their own security perceptions (with each list subject to requests for clarification from other member states), creating an ARF Information and Research Centre (aimed at administering the previously mentioned reports), and forming an ARF Eminent Person Group (a mixture of senior officials and scholars who could be made available for fact-finding mission or even a role in providing good offices by assisting in mediation).¹²²

At first glance, the above mentioned initiatives may suggest to one of the ARF's most productive preventive diplomacy seminars. With most of the delegates at this Track Two meeting attending the subsequent Track One meeting, it was only obvious that a certain degree of expectation was attached to the possibility that a few recommendations would be able to move into the official level. But as previously mentioned, the subsequent official meeting (the ARF Inter-Sessional Group on Confidence-building Measures) was merely capable of acknowledging the efforts at the Track Two level, while declaring that preventive diplomacy complemented confidence-building and needed further exploration by the participants. Perhaps the only encouraging sign was that this Track One meeting was able to discuss and show support for some of the specific recommendations made at the seminar, namely an enhanced role for the ARF Chairman (in this case the participants recommended developing a set of principles and modalities for the function of 'good offices', bearing in mind that such a role would be given to the Chairman on a case-by case basis and that the

¹²² It is important to note that most of these issues were mentioned at the Fifth ARF Meeting in 1998 as ideas that needed further review.

Chairman would have to remain committed to the principles of respecting sovereignty and non-interference), the development of a register of eminent persons, the use of an Annual Security Outlook, and voluntary background briefing on regional security issues.¹²³ Though this may constitute an achievement for ASEAN of some kind in moving closer to the permeation of preventive diplomacy machinery, we still cannot deny that the Association (and indeed the ARF) is far from attaching an official label to this approach of conflict prevention. Here, professor Desmond Ball reminds us that although preventive diplomacy was endorsed by the ARF through the Concept Paper in 1995, it would take almost five years before there was some sort of progress with the concept, and this in terms of conceptual refinement rather than practical proposals.¹²⁴ This represents the uncertain nature of preventive diplomacy within ASEAN and the ARF. What we must then attempt to establish is an interpretation of this disposition through explanations from those who have actually been involved in ASEAN and such recent ARF proceedings.

B.) Understanding the ARF Design

Our first point of reference begins with a look into the relationship between the Track One and Track Two meetings in the context of ASEAN and the ARF. Active as the Track Two of the ARF framework may be in processing ideas and proposals on preventive diplomacy, we must bear in mind that its essence rests in its unofficial nature. The purpose of the ARF's and any ASEAN Track Two arrangement is to support the official or Track One agenda by encouraging an exchange of views at an informal level in the hopes that such views will be able to enter the official arena at a later stage. There is no supposition that the points made at the Track Two level will automatically or immediately transport into Track One, despite the fact that in most cases, those

¹²³ *Co-Chairmans Summary Report of the Meetings of the ARF Inter-sessional Support Group on Confidence-building Measures*, Honolulu 1998, Bangkok 1999.

¹²⁴ Ball, D., 'Principles of Preventive Diplomacy' – Paper prepared for the Preventive Diplomacy Workshop of the CSCAP Working group, Bangkok, 1999, p.2

delegates assigned to the official meeting are also those who attend the unofficial ones. On this point Ralph Cossa, has remarked that:

“Some have said that the ARF is not quite ready to take on a preventive diplomacy role and I would agree. But I would also agree with the 1995 Chairman’s Statement which, while stressing the ARF’s current focus on confidence-building measures, also notes that preventive diplomacy would be a natural follow-on for the ARF. This is precisely why the subject is being handled at the Track Two level... The ARF Ministers at the Track One level have identified preventive diplomacy as a potential future role of the ARF and therefore have called for an independent Track Two assessment on how this may come about. The Track Two participants, not bound by current government positions, have the license to pursue more innovative and forward-leaning approaches and solutions. Their recommendations are likely to be tempered, however, by their close association and familiarity with Track One thinking. This may make their advice less bold and imaginative than one might expect from a purely academic exercise. But this may also increase the likelihood that their recommendations will be implemented or at least seriously considered by regional policy makers. [The key is to understand that]...some of the suggestions may be out in front of where the ARF is currently prepared to go. But that is the purpose and value of the Track Two debate – to push the envelope and explore ideas and offer suggestions that, while perhaps not immediately attainable, at least appear achievable over time.”¹²⁵

At the same time however, Cossa has made the more salient point of considering how preventive diplomacy, in the Asia Pacific and in particular under ASEAN initiative, must fit into a prevalent tradition of confidence-building within the region. That is, for any preventive diplomacy regime to take form either within ASEAN or the ARF, it is essential that such policies be drawn up on the understanding that the Asia-Pacific is not a homogeneous region, that there is a preference for informal structures, and that consensus building is a key prerequisite. Moreover we should also be aware of the fact that there is a general distrust of outside ‘solutions’, and that there is a genuine commitment to the principle of non-interference in one another’s internal affairs. As such it is a

¹²⁵ Cossa, R., Text taken from Statement to the Council for Security Co-operation in the Asia Pacific (CSCAP) Working Group and US Institute of Peace Conference on Preventive Diplomacy, March 1999. The text was entitled ‘CSCAP and Preventive Diplomacy: Helping to Define the ARF’s Future Role’. This conference preceded the official ARF ISG on Confidence-building Measures and was attended by most of the

priority to bear in mind that with regards to security co-operation in ASEAN and the Asia Pacific region, experience to date shows us that the dominant approach exhibits the qualities of starting small and taking a gradual approach. In this case we must also recognise that European models are generally not transferable to Asia, that is important not to over-formalise the process and not to neglect the importance of unilateral or bilateral measures as stepping stones towards multilateral confidence-building.¹²⁶ To this extent Cossa asserts that the gist is to 'proceed slowly and carefully, but definitely proceed'.

On a similar note, Shi Chunlai, senior adviser to CIIS and Secretary-General of CSCAP-China, has also offered the point of being sensitive to certain norms and traditions of regional diplomacy.¹²⁷ But a closer look at this position touches on the notion that there may be to a certain extent, an inadequacy of political will (at least on part of China) for the ARF to develop seriously, such pro-active methodologies. Chunlai has cautioned that it may not be appropriate to adopt hastily an approach to preventive diplomacy that is more or less Western-based. (This is a point that has been often put forth by the Chinese delegation both at the Track One and Track Two level.) He points out that though preventive diplomacy is an important constituent part or stage of regional security co-operation, it would be difficult to model it after the OSCE, a highly institutionalised organisation equipped with specific bodies to formulate collective political policies. Chunlai then recommends that the ARF should 'keep to its track, and remain a political and diplomatic forum, and at the same time, draw on some of the experiences of other regions as a supplement to make itself more effective in promoting regional peace and security'. The principal argument made here is that a unified regional security mechanism like the OSCE is not appropriate to the diversity and political culture of the region. But perhaps more importantly Chunlai goes further to suggest that to think of doing so may well lead to other difficulties in regional political co-operation. As he has mentioned:

delegates from the Track One meeting.

¹²⁶ *Ibid.*, p.3

¹²⁷ CIIS refers to the China Institute of International Studies

"I know that the pressure is building up in recent years to make ASEAN and the ARF institutionalised, critics particularly target the principle of non-interference and consensus as the main cause for its ineffective response to financial crisis and other serious problems. Frankly, I don't think that people should put the blame on those principles. To discard these time-tested principles like non-interference that was enshrined in the ASEAN treaties, its members may first need to decide to change the nature of the grouping and move toward political integration. I agree with the foreign Minister of one ASEAN country who said that abandoning the principle would undermine the capacity of ASEAN to work together on issues critical to our collective well being and set us on the path toward eventual disintegration."¹²⁸

But the question of political will connected with preventive diplomacy and ASEAN (and thus the ARF) is even more indefinite according to some explanations offered by regional policy makers. For quite some time, the inability of the ARF to show resolve towards affirming formal preventive diplomacy structures has left many to contend that it is largely a result of ASEAN determination to act as helmsman of the forum's policy direction. The insinuation here is that the ASEAN states see preventive diplomacy as an activity that will inevitably result in the organisation relinquishing a certain level of control over the ARF (in particular to the region's major powers), and with that some influence in the conduct of regional security affairs. Of course if specific preventive diplomacy functions are taken on by the ARF, it will not guarantee ASEAN command or control. But it would be inappropriate to reason that ASEAN's reluctance is mainly due to a concern for sustaining prominence in an emerging regional security order. There is no denying that the ASEAN members are not comfortable with preventive diplomacy for the time being. What then must be considered is whether this sense of apprehension derives from a genuine unwillingness, on part of the ASEAN members, to commit to preventive diplomacy and in effect, an altered role in regional security management. If this is the case then implementing a preventive diplomacy regime could run counter-productive to the ASEAN's contemporary practice of regional conflict management or confidence-building. Several high-ranking ASEAN diplomats have expressed the perception that preventive diplomacy is a quagmire for

¹²⁸ Shi, C., 'Some Points on Preventive Diplomacy', Statement made to CSCAP Preventive Diplomacy Workshop (Conference), Bangkok, March 1999

ASEAN. For example as Dr. Charivat Santaputra, Deputy Permanent Representative of Thailand to the United Nations has revealed:

"You could say that preventive diplomacy has not been successfully assimilated into the ASEAN strategy. For ASEAN, it is a loose term, a proposal without operating blueprints. There is no official ASEAN definition of the term, and this is because we don't know what it really means. Where does it begin and where does it end? ...We have not had preventive diplomacy put to us at the formal level, in terms of coming to an agreement on what it means and whether we actually need it. Frankly, I don't see how it would translate into official policy. For example, there are calls for early-warning and the use of observation missions by ASEAN, but hypothetically, who is going to do them and who is going to pay for them? If you consider the position of the ASEAN states, no one has really mentioned how such tasks should be done. Another example, what type of fact finding is acceptable by all 10 ASEAN members? This is another question that leads to the point of whether we really want preventive diplomacy. For the ARF and ASEAN, it is not really a big issue. It is just academically interesting. [Consider this]... there is preventive diplomacy and now there is progressive diplomacy, there was constructive engagement and now there is flexible intervention, and don't forget the others. What will they think of next?"¹²⁹

As these remarks imply, it would not be difficult to assume that ASEAN's unwillingness to commit to preventive diplomacy for the time being will inevitably prevent the ARF from doing so as well. However this is not to say that preventive diplomacy remains a defeated purpose or has no opportunity with the ASEAN members. There is a fundamental difference between preventive diplomacy under the ARF banner and those applied by the ASEAN members outside of the organisational framework. In this case we should be aware of the fact that certain measures of preventive diplomacy can be used by the countries of the region, despite ASEAN not taking the initiative to incorporate them into its existing responsibilities. In this context, senior Indonesian diplomat Dino Patti Djalal, has asserted that the Indonesian involvement in the Moro Dispute is a prime example of the use of preventive diplomacy for the region. The dispute between the GRP (Government of the Republic of the Philippines) and the

¹²⁹ Interview with Dr. Charivat Santaputra, Deputy Permanent Representative of Thailand to the UN, at the ARF-ISG on Confidence-building Measures, Bangkok, March 1999.

MNLF (Moro National Liberation Front) had already been brewing for almost twenty years before Indonesia became involved, and only in its capacity as a member of the Organisation of Islamic States (OIC). Though the dispute had been brought to the OIC (of which the MNLF was an observer member) since 1972, it was not until 1991 that Indonesia had been given the mandate to deal with the issue when it became chairman of the OIC Ministerial Committee of Six - a specially created grouping to handle the Moro case. This represented the first time in two decades that a Southeast Asian country, an ASEAN member and a friendly neighbour of the Philippines was presiding over such a committee.

The Indonesian 'good-office' role as facilitator was a case of third-party involvement in an intra-state conflict for the purpose of assisting efforts to end military fighting and to find a lasting political settlement. For this it initially employed the use of an informal session of explanatory talks - an approach previously used in the Cambodian peace process whereby through the 'cocktail party' concept, the disputing parties were urged to meet informally and without preconceptions. From this point onwards, Indonesia was able to continue with its role as facilitator by hosting the first Formal Peace Talks in 1993 and chaperoning the negotiation process until the Final Peace Agreement was reached in 1996.¹³⁰ Importantly the negotiations were only able to arrive at their goal because both the parties (driven by the necessity of their own respective circumstances) mustered a strong political will to reach such a settlement. However in reflecting on the nature of Indonesia's participation Djalal emphasises that Jakarta was only willing to play a role in preventive diplomacy insofar as such a role was requested and accepted by both sides of the conflict. There was never a question of Indonesia imposing its role into the conflict. Given this, the role of a third party was mainly to facilitate, from a position of neutrality, a process and venue whereby the two conflicting parties could engage in talks in a 'comfortable, neutral and constructive environment'.¹³¹ He then recalls how it also mattered that much of the significant progress of the

¹³⁰ As a result of the Final Agreement the conflict was ended, the foundation of peace were established and the revolutionary faction of the MNLF have now been turned into government bureaucrats in control of their respective communities.

¹³¹ Djalal, D.P., 'The Indonesian Experience in Facilitating a Peace Settlement Between The Government of the Republic of the Philippines and the Moro National Liberation

negotiations were reached not by way of media debate or political posturing but by whispered attempts at persuasion behind closed doors. In general Djalal suggests that the important lesson to be learnt from this experience is that preventive diplomacy is context bound, while arguing that:

*“Different cases of conflict require different methods and doses of preventive diplomacy. There is no panacea, no fixed formula, no set procedures, and no single strategy for preventive diplomacy. Attempts at preventive diplomacy by a third party require assessments to determine the appropriate entry point into the conflict, the acceptability of that third-party to do the job, the method and the terms of such involvement, as well as the ambition of preventive diplomacy (whether to delay, manage or solve the conflict)”*¹³²

The case of Indonesia's involvement in the Moro conflict and the previously mentioned case of the ASEAN Troika on Cambodia presents us with insight on how the practice of using good offices is not totally uncommon to the ASEAN states. The fact that both cases involved preventing the escalation of violence in an intra-state situation is a sign that there are possibilities for the ASEAN members to engage in subsequent projects of the similar kind. But this does not eliminate our finding that such an undertaking will unlikely be under the Association's auspices for the time being. Evidence from primary sources yields to the notion that preventive diplomacy, the version that is concerned with thwarting the emergence and the escalation of violence at the intra-state and inter-state level, is not a principal course of action for ASEAN and by ASEAN. In other words, though the creation of the ARF may have contributed to a breakthrough in the conceptual understanding of preventive diplomacy among many policy makers in the region, the practice of preventive diplomacy remains a distant reality. It is not known whether ASEAN will try to create, in the near future, an explicit preventive diplomacy mandate with the specific functions of early-warning, the use of good offices, and provisos for preventive deployment. What remains in Southeast Asia and what is being extended to a wider Asia Pacific, with regards to regional conflict prevention, is a system of confidence-building predicated along the lines of ASEAN diplomatic tradition. Though it is possible to view this initiative as a exercise in 'long term' preventive diplomacy,

Front', Statement to the CSCAP Preventive Diplomacy Workshop, Bangkok, March 1999

it is also questionable whether this gesture can be truly labelled as 'pro-active'. What would be helpful then is an examination into the merits of ASEAN's current conflict management system. With this in mind we turn our attention to investigating the reasons why ASEAN has not fully embraced the concept of preventive diplomacy, and whether its intensive dialogue-based system of confidence-building has been able to achieve any results

Summary

We began by studying the Post Cold War security environment of Southeast Asia in order to obtain a more precise account of the issues that ASEAN has had to face within the past few years. The nature of pressing security concerns within the region has expanded to include violent conflicts at the intra-state dimension which often involve human rights violations as well as the complex nature of ethnic and nationalistic confrontations. The resulting sentiment is that ASEAN should now take the opportunity to become more pro-active, especially in the field of preventive diplomacy. Within the past decade or so, ASEAN has responded to the post Cold War regional security setting by employing a policy of constructive engagement to several cases of unresolved political conflict within the immediate Southeast Asia region. At the same time it has developed a new regional security dialogue system, while providing much rhetoric on the potential of a definitive preventive diplomacy agenda. The crucial factor is that by analysing ASEAN's actions in these two major endeavours, it is possible to conclude that the organisation has not fully embraced the notion of preventive diplomacy.

However it is important to see that ASEAN's approach to the establishment of the ARF resembles its attempt at institutional formation over 30 years ago. Determined to construct a framework for regional co-operation between parties who were not familiar with working with each other as part of a

¹³² *Ibid.*, p 3.

diplomatic community, ASEAN came to utilise a dialogue process so as to build a culture of diplomatic association within the region. This formula has since been applied to the ARF. With the ARF being the first regional institution of its kind to host the major powers of the Asia Pacific in a security management capacity, it can be seen that ASEAN was again resorting to a dialogue process to foster a habit of interaction and diplomatic community-building among participants who generally have little experience in working together on such a multilateral level. In considering this point, the next point we must shed light on is whether there are any fundamental differences between the ASEAN way of conflict management that was practised during the Cold war era, and the approach that is currently being advocated.

Perhaps the only distinguishing factor between the former 'ASEAN way' and the current 'ASEAN way' is that the latter does make room for discussion on the more pro-active techniques of conflict management. Preventive diplomacy is now part of ARF parlance and the frequent security dialogue sessions allude to the fact that the topic is a central concern for ASEAN members. But on closer inspection, the relationship between ASEAN and preventive diplomacy would reveal that not all the members are in agreement as to how the concept should be approached, let alone put into practice. As a result, ASEAN has not given any clear indication that it will develop a preventive diplomacy agenda. Instead the matter has been left to the Track Two process in the case of the ARF, and though insightful as that process may be, there is a prevailing sense of caution over the real benefits of this practice for the Association as a whole. If anything, its progress with the ARF, though groundbreaking as it may initially appear to be, suggests that such an approach to regional conflict prevention remains an uncertainty for ASEAN. The critical point is that if ASEAN is unable to develop a preventive diplomacy agenda, then what does its current system of regional conflict management have to offer?

It is possible to come to the conclusion that ASEAN's approach to regional conflict management has altered only in scale but not in scope. To understand ASEAN's design for ARF, one needs only to look at how much attention is being paid to the 'norms and traditions' of ASEAN diplomacy and

the juxtaposing mandate to keep ASEAN as the chief agenda setter for this enhanced framework for organising a regional security dialogue. Though experts such as Amitav Acharya have added that it is important to be aware of an influential Asian strategic culture as part of the ASEAN approach (in this case one that shuns the identification of adversaries, not to mention formal arrangements for resolving disputes), it cannot be assumed that this practice (in particular the process of decision-making) will readily transfer to the entire region where historical experience is diverse and interpersonal ties among the elite are lacking. The key observation then put forth by Acharya is that Asian leaders often make appeals for the idea of an 'Asia-Pacific Way' or 'ASEAN way' when it is apparent that their national interests come into conflict with multilateralist goals. The implication here is that the utility of this approach may lie more in its capacity to rationalise the obstacles to multilateralism rather than resolve them. Needless to say, security issues tend to define the ASEAN approach, rather than the other way round. To this extent, a number of observers have suggested that ASEAN could be spreading itself too thinly to be effective. Perhaps we must conclude that the ARF is an inappropriate vehicle for ASEAN to pursue with preventive diplomacy after all.

But what is more critical though is the prevalent observation that the current ASEAN formula is fundamentally lacking in much needed crisis prevention provisions such as organised early-warning facilities and preventive deployment prescriptions. The recent crisis in East Timor, the current problems in the Indonesian province of Aceh, the dilemma of internal political struggles and human rights violations in Myanmar and in Cambodia (ASEAN's newest members), and of course the relatively stagnant process of conflict management in the South China Sea all attest to the notion that ASEAN must put greater effort into developing an adequate mechanism for regional conflict prevention. Despite the fact that ASEAN officials insist upon the notion that its recent attempt at regional security co-operation can be viewed as a 'transitional phase' to the future development of more intricate arrangements for conflict prevention, what cannot be disregarded is the fact that the organisation's members are facing serious difficulties in coming to terms with how such a programme should evolve. In this context another critical point to consider is whether there is

enough political commitment from the ASEAN members to allow for the eventual establishment of such capabilities within the organisation and of course, whether this contemporary model of ASEAN conflict management is truly able to move forward.

CHAPTER SIX

Appraising Preventive Diplomacy the ASEAN Way

Introduction

As ASEAN continues to set the agenda for the ARF and as the region remains exposed to a number of unresolved political disputes, the credibility of the organisation's approach to conflict prevention has naturally come into question. The distinguishing observation is that regardless of such challenges to regional security, ASEAN has not been able to move beyond a dialogue-based format for regional conflict management. Though this approach has contributed to a certain level of regional security co-operation, an institutional capability in preventive diplomacy aimed at thwarting violence is fundamentally lacking. In this sense the current 'ASEAN way' can be viewed as incomplete and in need of significant development. But as previously mentioned, a closer look at the organisation's experience with the ARF reveals a problematic relationship with this methodology of conflict prevention. More specifically the ASEAN members have not been able to agree on a preventive diplomacy agenda, regardless of rhetoric which suggests that the idea is vital to the future development of the organisation. With this central observation, it is essential for us to investigate the obstacles behind ASEAN's inability to progress beyond a conflict management scheme predicated along the lines of the 'ASEAN way'. The fundamental issue we must first take note of is not that the ASEAN states are rejecting a more proactive alternative to conflict management, it is more of the fact that they are at odds with each other on the utility of this particular methodology.

The purpose of this chapter is to identify the key reasons why ASEAN has not been able to endorse the practice of preventive diplomacy that aims to thwart violence at the intra-state and interstate level. The first section will briefly consider whether ASEAN's current methodology of conflict management has

yielded any results. This will include a discussion on the policy of 'enhanced interaction' and the type of conflict prevention capability that the ARF purports to provide. The second section then moves on to an explanation of ASEAN's inability to come to terms with a preventive diplomacy agenda. In this section our main task will be to consider how several ASEAN states view preventive diplomacy as ultimately counterproductive to the Association's form of regional diplomacy. At the same time we take the opportunity to discuss the way in which the ASEAN states have not been in agreement over the future direction of the organisation's regional conflict management responsibilities. This section will be substantiated with several interviews with ASEAN and ARF officials. The third and final section will attempt to identify the areas of the 'ASEAN way' that may be used to construct a conflict prevention regime in Southeast Asia that caters to preventing violence at the intra-state and interstate level.

ASEAN's inability to develop a preventive diplomacy agenda can be understood through the following observations. First, there is no consensus within ASEAN over the value of preventive diplomacy because such a mechanism of conflict prevention has been viewed to be deviant from the key principles and traditions of ASEAN diplomacy. These include the principle of non-interference, the practice of quiet diplomacy and the tradition for bilateral diplomacy or other forms of regional diplomacy (outside of the ASEAN framework) to address inter-state disputes or problematic domestic situations which have come to affect the security conditions of another member state or the region altogether. The point to understand is that such diplomatic principles remain important for ASEAN. Secondly within the realm of the ARF, preventive diplomacy is considered to be less of a priority from the ASEAN position. This is complemented by a fundamental understanding (by senior policy makers) that such an undertaking may dislocate a framework of intergovernmental confidence-building and functional co-operation that has been able to emerge within the wider Asia-Pacific region. For ASEAN the fact that this arrangement of diplomatic communication has proven useful in fostering inter-state co-operation in spite of persistent contention goes to support its prolongation as the ARF's central creed. In this light, any distinct corporate undertaking viewed as

having the potential to impede such a framework of political interaction will be avoided rather than risked. For the time being preventive diplomacy is considered to be such a risk, even though it is gradually being regarded as critical for ASEAN's advancement as a security organisation. This argument must be explained further by considering a number of noteworthy factors.

The first point to consider is that in recent years, ASEAN has been facing mounting difficulties over working with intra-mural political agreement. The expansion of ASEAN to include all ten states of Southeast Asia has meant that a consensus has become more difficult while the recent political crises in Indonesia has exposed the member states to diplomatic action that otherwise would have been deferred.¹ In the face of such challenges to working relations, a need for the members to reinforce intra-mural political co-operation and corporate solidarity has duly been recognised. The fact that ASEAN members have not been able to find common ground on the issue of reforming their existing framework of security co-operation goes to substantiate the need to steer clear from such a contentious discourse. This is in order to sustain a minimal level of political co-operation and protect organisational consensus.² Secondly there is a prevailing notion that for ASEAN to develop its role as a key player in the security architecture of the wider Asia Pacific region, the organisation should be able to provide a arrangement of diplomatic interaction that seeks to promote working relations for a large grouping of states who do not share an extensive background in security co-operation.³ Moving onto a pro-active conflict management capacity may currently work against such a routine of regional

¹ This refers to several of the ASEAN states taking part in UN sponsored peace-keeping operations in the former Indonesian province of East Timor.

² This particularly refers to the continuing debate within ASEAN over the policies of constructive engagement, enhanced interaction and flexible engagement. This has also been discussed in Chapter Five.

³ A review of the Chairman's Statements from the ARF Meetings (Appendix B), would show that ASEAN regularly makes mention of its role as the chief agenda setter for the Forum. It would also show how the ASEAN guided process of political and security dialogue remains pivotal to the working of the ARF. For instance in the Chairman's Statement of the Sixth ARF Meeting it is stated that the "ARF Ministers and senior officials have become more comfortable with each other through frequent interactions at the various ARF for a. Such enhanced comfort levels have enabled ARF participants to exchange views frankly on issues of common concern, thereby encouraging greater transparency and mutual understanding".

diplomacy focused specifically on generating a momentum of security dialogue. To the extent that developing an effective preventive diplomacy regime implies a certain degree of institutionalisation and the establishment of provisions for intervening in intra-state conflict situations, then it is unlikely that ASEAN will regard such an undertaking as complementary to its existing structure of conflict management. For the time being, ASEAN works as a regional organisation facing at least two essential objectives: the need to fortify group solidarity in light of recent membership expansion, and the need to maintain its relevance in the evolving Asia-Pacific regional security order by operating a security dialogue system that enjoys progressive participation, especially from the region's major powers. Taking on a new security management function, particularly preventive diplomacy, represents a departure from policy that is essentially beyond the reach of this regional entity.

So why then make significant mention over the value of such a scheme if it is such an impracticable policy option for ASEAN? As previously mentioned, if there is one crucial factor that has been made by international scholars and practitioners in the past few years, it is the notion that the international system must put greater effort into accommodating conflict management techniques that go beyond the inter-state dimension. If an organisation such as the United Nations is to bear the burden of regulating increasingly complex situations of global conflict, then a regional organisation like ASEAN should correspondingly seek out the ways with which to complement the world organisation in this demanding endeavour. The suggestion here is that if ASEAN is to be of substantial diplomatic utility to its immediate members and to its extended security dialogue partners, it must then adapt its conflict management practices to be able to handle more and more complex cases of violent conflict. But if it cannot be taken for granted that an organisation such as this will readily take on preventive diplomacy in an expedient manner, then it is important for us to observe whether and if so how, the member states have been preparing for any other progressive role in regional conflict prevention. Are there alternative ways in which ASEAN can at this point, contribute to the functioning of preventive diplomacy machinery in the region? Perhaps it would also pay to research into

certain conflict prevention mechanisms that can be performed by the ASEAN members, but detached from institutional guidance. The essential point however, is to identify the methodologies that do not complicate the organisations existing confidence-building traditions. This is a formula that the ASEAN members cannot ignore.

I). Preventive Diplomacy the 'ASEAN Way' and The Merits of the Contemporary System

Our analysis of ASEAN's burgeoning framework of regional conflict management covers the time period since the ARF's inception (1994) until the fifth ARF ministerial meeting in 1998. Within ASEAN, the trend of security dialogue encouraged by the Annual Ministerial Meetings (AMM's) and the Post-Ministerial Conferences (PMC's) has led to the identification of prospective areas of security co-operation and extensive discussions on some protracted inter-state disputes in the region.⁴ But they have continued to uphold the Treaty of Amity and the principle of non-interference and as such, the Association has not been able to provide dispute tempering mechanisms in situations where it has been needed the most. As far as the policy of 'enhanced interaction' is concerned, it would be fair to say that this practice has not been pre-eminent in inducing conflict prevention measures to several situations of internal instability. What prevails in Southeast Asia is a number of unresolved political disputes which maintain a potential for violence. The situation in Myanmar has not been resolved by any means and neither has the political contention within Cambodia. Meanwhile the political situation in Indonesia has been deteriorating, with separatist movements and religious tensions continuing to plague the country with violent conflict. At the time of writing, ASEAN's policy of enhanced interaction has not managed to refer to such episodes of conflict as impending

⁴ For a review of the statements made by ASEAN on specific regional security issues see Appendix D, *Excerpts from the Joint Communiqués of the ASEAN Ministerial Meetings 1994 – 1999*. This will also be discussed later in the chapter.

regional security issues, while concrete measures to prevent actual hostilities have been well out of reach for the ASEAN consultative system.⁵

Though many would argue that it is too soon to consider the policy of enhanced interaction, what cannot be discounted is that such a policy does not advocate a major departure from the traditional ASEAN approach to intra-state security issues. If anything, senior ASEAN officials have been more active in expressing their views over certain internal situations within another ASEAN country. This has included Thailand's Foreign Minister Surin Pitsuwan making comments on the political situation in Myanmar, Philippine President Estrada making comments about the treatment of Malaysian Deputy Prime Minister Anwar, and Indonesian President Habibie voicing similar concerns for the Deputy Malaysian premier.⁶ But the important point to remember is that such comments have been expressed in an individual capacity, rather than under the ASEAN banner. Though such remarks may indicate a group of states who are willing to discuss impeding issues affecting regional security more openly, ASEAN is far from being able to have a direct influence on curbing the violence associated with many of the lingering intra-state conflicts at this time. Nevertheless, there is still an opportunity for the organisation. The ASEAN Troika experience in Cambodia stands for a key development for ASEAN in the role of providing good offices to prevent the further escalation of an intra-state conflict. To a considerable degree, it represents an approach to preventive diplomacy that ASEAN can further develop as it gradually reforms its security management agenda.⁷ It would pay for the ASEAN states to research into this act of conflict prevention with more vigour.

⁵ The issues that have been recognised in official ASEAN documents do not actually indicate ASEAN as facing any conflict management dilemmas. This can be confirmed by reviewing Appendix D. A review of the ASEAN Joint Communiqués would reveal that the above mentioned cases of intra-state tensions have not been mentioned in ASEAN deliberations. A discussion on such Joint Communiqués will also be made later in the chapter.

⁶ See *The Bangkok Post*, August 29, 200, p. 1 and Hacke, J., 'The Concept of Flexible Engagement and the Practice of Enhanced Interaction: Intra-mural Challenges to the ASEAN way', in the *Pacific Review*, Vol.12, No.4, 1999, pp.598-606

⁷ The impact of the ASEAN Troika experience for the organisation will be discussed with further detail in this chapter.

Meanwhile, the ARF has produced results in the area of regional confidence-building but it has had less of an impact on preventing recent episodes of violent conflict. In the previous chapter, a basic outline of ASEAN's activities within the ARF reveals that the organisation relies on a timetable of diplomatic contact to foster a trend of security co-operation among the participating states.⁸ In this case, security co-operation specifically refers to participation in a number of confidence-building programmes that are built on the routine of dialogue. They have involved efforts to construct a network of regional diplomatic and military officials through the establishment of regular meetings on disaster relief co-operation and epidemic control co-operation, and a schedule of meetings of Heads of National Defence Colleges. There has also been the introduction of transparency promoting measures such as the voluntary submission of defence policy statements and the development of defence white papers, a regular exchange of views on security perceptions and disarmament, and even discussions on a regional code of conduct in the South China Sea.⁹ The general rhetoric from ASEAN has been to view such activities as having an inherent value of promoting trust among the participating members. By meeting regularly and discussing such security issues, the participants have the opportunity to enhance confidence in each other's intentions for maintaining peaceful relations. In this way the functional value of confrontation involving force and the chances of misunderstanding may be consequently reduced. To this extent, few would disagree with the remark that these activities have engendered an unprecedented level of political and security dialogue in the history of the Asia-Pacific region. But to what extent has this level of security co-operation

⁸ See Appendix G. A look in to the time table of ARF meetings and activities would reveal an extensive schedule of senior officials meetings. From 1994 to 2000 there have been a total of sixty four meetings with dialogue topics including transnational crime, confidence-building measures, combined humanitarian assistance training, defence conversion co-operation, enhancing early warning systems, anti-piracy, disaster relief co-operation, transparency and responsibility in transfers of conventional weapons, production of defence policy documents, workshops on training for peace-keeping, military medicine and epidemic control, search and rescue coordination and cooperation, preventive diplomacy, de-mining, and non-proliferation. The meetings have been held in various places, including the ASEAN capitals, Seoul, Canberra, Moscow, Tokyo, Honolulu, Sydney, Wellington, Beijing, Paris, Melbourne, Dublin, Vladivostok, Mumbai, and Ulan Bator.

⁹ For a detailed review of ARF agreed confidence-building measures see Appendix B, Chairman's Statements of ARF Meetings I through V. The most recent of these CBM's include co-operation on disaster relief, voluntary participation in an Annual Security Outlook, meetings between heads of defence colleges, and training for peacekeeping.

had an impact on tempering the emergence or escalation of violence in the region?

Though it has been suggested that because the wider Asia-Pacific region, for the moment, does not bear witness to any major case of inter-state conflict, this does not mean that the ARF's ability to prevent conflict is impossible to judge. Tensions in Northeast Asia regarding the Korean peninsula and the dispute involving Taiwan and the Peoples Republic of China have not seen any deliberate ARF contribution to dispute settlement. So far ASEAN has only been able to mention such issues as 'issues of concern', while the ARF has continued to acknowledge several efforts at conflict management that have taken place outside of the forum's framework.¹⁰ We must also not forget that the potential conflict in the South China Sea has been void of any substantial multilateral conflict prevention effort on part of the ARF. So far China has refused to allow the issue to be discussed at the multilateral level due to the fact that sovereignty over the islands is regarded by Beijing as a non-negotiable issue. It has been suggested that this disposition is driven by China's strategic bargaining preferences, namely that a bilateral bargaining position allows Beijing to isolate the disputants, thereby eroding the ability of ASEAN to organise around an issue and giving itself more freedom to negotiate individually with the governments in the region.¹¹ Although there are signs that a code of conduct soon may be agreed upon by the disputing parties, this has largely come about as a result of activities outside of the ARF proceedings. The problem with such an agreement is the extent to which China will fully comply with such terms. China has been trying to secure its objectives for such territories through bilateral negotiations. Given this, it would be difficult to accept that Beijing views adherence to such codes of conduct with equal importance.¹²

¹⁰ See Appendix E. The key observation here is that the ARF manages to refer to a host of efforts which run outside its immediate dialogue framework as having significant effect on conflict management in such cases. This is in particular reference to the Indonesian sponsored informal Workshops on Managing Potential Conflict in the South China Sea.

¹¹ Joyner, C., 'The Spratly islands Dispute in the South China Sea: problems, Policies, and Prospects for Diplomatic Accommodation', in Ranjeet K Singh (ed.), *Investigating Confidence Building Measures in the Asia-Pacific Region*, Report Np.28, The Henry L. Stimson Center, Washington DC., May 1999, p.76

¹² *Ibid.*

Perhaps it is noteworthy, at this juncture, to mention that the ARF's projects (though unable to implement preventive diplomacy), have been a welcome achievement for ASEAN. Regional security scholar Amitav Acharya has made the comment that one of ASEAN's key intentions for the ARF is premised on the notion of promoting multilateralism in the Asia Pacific region. The position taken here is that the presence of such a multilateral security organ as the ARF is to act as shock absorber against the existing trends within both the global economic and security climate.¹³ But it is also important to observe how a similar strategy for promoting regional political co-operation was employed by ASEAN during the organisation's formative years. As it was for ASEAN 30 years ago, the fundamental objective of the ARF now is to construct a diplomatic community among states who do not share a distinct background in security co-operation. To ensure this, the ASEAN members therefore promote the functioning of the 'ASEAN way'. This argument has been put forth by a number of regional diplomats, including Saroj Chavanaviroj who has made the comment that:

*"[ASEAN]Our goals for the ARF are not difficult to understand. For it (ARF) to be of any value, it must involve all the members participating with commitment. How does the level of political co-operation be sustained? We first make use of the style of ASEAN diplomacy. This was a system that has allowed antagonistic neighbours to have dialogue and then co-operate on a regular basis. Can you see the plan for the ARF now?....We are building from almost nothing. The end of the Cold War gave us a chance, sure, but we had almost nothing in the Asia-Pacific, just ASEAN, APEC and a few groups here and there without any comprehensive arrangement or vision. There needed to be some harmony, especially if you look at the situation with China, and the Koreas. ASEAN started with 5 members, the ARF starts with about 15. ASEAN had small powers, the ARF has Japan, China, the US. It's a bigger job and the confidence-building here must be priority. What they call our style or way of diplomacy...it is useful here, necessary even."*¹⁴

To the extent that the ARF has been able to create a sense of order in the wider Asia-Pacific region, then it should be seen as an important device for

¹³ Acharya, A., ' Ideas, Identity and Institution-Building: From the ASEAN Way to the Asia-Pacific Way' in *Pacific Review*, Vol.10, No. 3,. P.321

ASEAN's strategic agenda. At a time when the region beckoned for a framework of intergovernmental political co-operation in light of the end of the Cold War and new security challenges, the ARF has been able to bring together the smaller and major powers of the region into a stage where an unprecedented approach to multilateral co-operation has developed. As it has been said that the forum is an ASEAN writ large, we must then entertain the notion that the ARF is set on a path of becoming a active diplomatic community. The speculation here is that it will gradually develop into an organisation where the participating members will interact with each other according to certain diplomatic procedures, all of which serve the purpose of avoiding conflict among the participants. Though it would appear that such an undertaking may be too ambitious for an organisation, it is important to remind ourselves that the ARF is relatively in its formative years, and also the only security organisation of its kind in the region. The Asia-Pacific has no other security management institution than the ARF, and in this case there is a lot more to be done. As for ASEAN, we must also recognise that it too is involved with a process of diplomatic community building.

ASEAN has always maintained that expansion to include all the ten countries of Southeast Asia has been an institutional objective.¹⁵ But the recent admissions of Myanmar, Laos, Vietnam and Cambodia into ASEAN have exposed organisation to the problems associated with the new entrants. Such problems over economic restructuring and internal political stability have and will continue to put strains on intra-mural co-operation. In this light, the ASEAN approach to inter-state confidence building has thus far played an important role in reinforcing the organisation's functioning as a diplomatic community. The observation here is that intra-ASEAN co-operation has been able to progress, regardless of impending points of contention within organisation. The process of engaging the newest ASEAN members has not been a smooth one but hopefully, it will convey to them that being a part of ASEAN will also mean taking the necessary steps to manage internal difficulties for the sake of regional stability.

¹⁴ Interview with Mr. Saroj Chavanaviroj, CSCAP Meeting on Preventive Diplomacy, Bangkok, March 1999

¹⁵ Bessho, K., *Identities and Security in Southeast Asia*, International Institute for Strategic Studies, Oxford University Press, New York, 1999, p.47. Bessho goes further

From the other side of the spectrum, ASEAN's system of regional conflict management should be considered in light of its discrepancies. Though many scholars would mention that ASEAN's efforts serve as a tempering mechanism for inter-state tensions, they would simultaneously suggest that this system has left, and will continue to leave several cases of regional intra-state conflict relatively unattended. We have already discussed the situations in Indonesia, Cambodia and Myanmar to highlight how intra-state conflicts have come to represent the most violent clashes in the region. Although it would be fair to say that such issues warrant the availability of some preventive diplomacy mechanisms in Southeast Asia, the implications of this suggestion for ASEAN are manifold. For example developing an effective early warning mechanism by ASEAN would not only require the establishment of conflict analysis devices such as a network of diplomatic officials or a specific agency within the ASEAN secretariat. Recruited personnel will have to provide objective and timely analysis on sensitive issues relating to national security. This is a task that is unlikely to be agreed upon by all the ASEAN members as it would infringe the creed of 'non-interference' mentioned in the Treaty of Amity. Furthermore ASEAN will need to have a mechanism that will be able to report on impending conflict situations around the region (which in itself could be a task requiring a significant amount of resources), including those internal to a member state and in particular those requiring humanitarian intervention. But it has been suggested that the compromises of sovereignty and territory that this task would require are simply beyond the collective initiative of the ASEAN members. Given this, it is essential that examine further how such a modification to the current 'ASEAN way' has not been favoured by all the member states.

to suggest that the underlying importance of enlargement is the desire to unify Southeast Asia to ensure its freedom from outside control.

II). Considering the Boundaries of the ASEAN Approach to Conflict Management

A. The ARF and ASEAN Conflict Management

We have discussed in Chapter Five how the concept of preventive diplomacy has been approached at the Track Two level of the ARF. Such initiatives have produced a definition of preventive diplomacy that remains very much committed to inter-state situations. This definition mentions consensual diplomatic action void of coercive measures and the importance of non-interference. It is a perspective that largely has been influenced by the 'ASEAN way' of confidence building. To this extent, it is possible to assume that the kind of preventive diplomacy that is likely to flourish from this initiative will not be able to address several cases of intra-state conflict within the region. But even more so, the fact that this particular approach has not completely progressed into official ARF deliberations goes to suggest that the forum will take time to promulgate a more pro-active conflict prevention framework on the whole. The fundamental observation that can be gathered here is that preventive diplomacy remains less of a priority for ASEAN at the ARF level. The question is then why?

A review of the analytical literature on ASEAN and the ARF points out several reasons behind ASEAN's reluctance to pursue preventive diplomacy within the ARF. The distinguishing factor is that such explanations go to highlight the notion that ASEAN's goals for the ARF do not lie in the functioning of any pro-active conflict prevention system. Rather, ASEAN's strategic objective for the ARF is premised on securing a position where it can remain relevant and have an influence within the emerging Asia-Pacific security order. In this case Shaun Narine has made the argument that ASEAN believes that its international political influence will be greatly enhanced by being part of a larger organisation such as the ARF. From this perspective then, ASEAN is attempting to use the present state of regional uncertainty to its own advantage by adopting new policies and creating new structures which, it hopes, will help

to shape the emerging order before it hardens into distinct patterns.¹⁶ The assumption that goes with this school of thought is that as the major powers of the Asia-Pacific region (in this case the USA and China) are in the process of defining their interests and relationships, ASEAN is simultaneously trying to exercise some influence over this process. That is why the ARF is modelled on ASEAN, and why ASEAN has been so adamant in advocating the *Treaty of Amity and Co-operation* for acceptance as the ARF's code of conduct.¹⁷ However, Narine goes further to suggest that ASEAN can only do this as a unified bloc. In this light, we must also consider how subjects which test ASEAN's political solidarity, such as reforming the organisation's conflict management technique, may not bode well for ASEAN at the time being.

The subsequent observation which can be made then, is that ASEAN has been trying to interact constructively with the major powers so that the techniques of diplomacy developed within ASEAN can be transferred and employed to the Asia-Pacific region. However the proposed utility of this strategy has not been without warnings of caution. It would be difficult to assume that the ARF will function as another ASEAN or that ASEAN's methodologies will be regarded as sacrosanct by all the ARF participants.¹⁸ In this case it is necessary to remember how the political conditions which shaped ASEAN and allowed it to function do not apply to the wider Asia-Pacific region. Here we recall how ASEAN can be viewed as a relatively small organisation of developing states who have learned to execute some degree of co-operation as a way to avoid conflict with each other. By doing so and acting as a collective voice, the ASEAN members have achieved a considerable degree of status within regional affairs and the international community. The Asia-Pacific comprises of a larger number of states who are diverse in size and in political and economic systems. With a membership that consist of twenty-one members, the ARF represents a large collection and mixture of security perceptions and concerns. Seeking consensus within this grouping may prove to be increasingly difficult. To add to this, it remains doubtful whether all of the ARF's

¹⁶ Narine, S., 'ASEAN and the Management of Regional Security' in *Pacific Affairs*, Vol. 71, No.2, Summer 1998, p.209

¹⁷ Please see Appendix A..

participating states will continue to employ the 'ASEAN way' to manage regional relations. It cannot be assumed that all of them will be willing to postpone discussing controversial international issues while waiting for social and political ties to develop.¹⁹ As ASEAN continues to insist that it remain as the chief agenda setter for the ARF, it will also have to bear in mind that it cannot force all of the ARF members to conform to ASEAN's programme. However, there is a sense of appreciation for ASEAN's intermediary role in motivating the ARF members to co-operate. On this note, a senior ASEAN diplomat has made the comment that,

"[Some] people say we are dreaming when it comes to the ARF. How could a group of states, who are now going through economic problems, expect to do so much? They say to take on matters like the security disposition of the only remaining super power, the relatively indefinite foreign policy position of China, the tensions in the South China Sea...all this is too much for us. The important factor is to see what we actually do. We get them to meet and discuss issues with a certain degree of organisation. The way ASEAN does this is not special at all. If it may not seem so complex or what you call proactive, it is [still] important for us and for the region. To understand ASEAN's role more clearly you just ask the question, what is the alternative? If not ASEAN then who?"²⁰

As these remarks imply, ASEAN's position as the primary interlocutor in the Asia-Pacific serves as a key reason behind it wanting to maintain a central position in the security architecture of the region. But this suggestion should also be considered in light of more specific foreign policy objectives. It has been argued that the ASEAN states now believe their security is best served by pursuing a policy of 'equilibrium' between the major powers and themselves.²¹

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ Interview with Mr. Ison Pocmontri, Director of the Policy and Planning Division, Ministry of Foreign Affairs, Bangkok, December 1998.

²¹ Narine, S., *op cit.*, p. 210. See also Acharya, A., *op cit.*, p. 321., and Sundararaman, S., *The ASEAN Regional Forum: Reassessing Multilateral Security in the Asia-Pacific*, np, 1998. Acharya has argued that a long-term objective of the ARF is to engage the major powers of the region in some form of security co-operation framework while Sundararaman takes the position that a specific incentive for running the ARF is to

This has come to mean establishing a balance between powers in the region or more specifically, trying to keep the United States reliably engaged in Southeast Asia. To that end, most of the ASEAN states have increased their defence co-operation with the United States.²² On the other hand this strategy of equilibrium has also implied ASEAN developing closer ties with the People's Republic of China. The question of whether China becomes (or even has the capacity to become) an aggressive, hegemonic power over the next few decades, or decides to be a co-operative, 'responsible' citizen of the international community has always dominated security analysis in the Asia-Pacific region. The overriding objective though, is to maintain major power participation in ASEAN's political and security arrangements for the region. As it is stated in the Chairman's Statement of the Sixth ARF:

"The Ministers recognised the Treaty of Amity and Co-operation in Southeast Asia (TAC) as a key regional instrument for strengthening security in the region. They noted that non-Southeast Asian countries, in particular the major powers, were now in the process of considering acceding to the TAC after the Second Protocol amending the TAC enters into force. This would contribute positively to the evolution of a region-wide code of conduct."

But the difficulty for ASEAN in understanding China's strategic ambitions lie in the juxtaposition of what has been interpreted a conflicting trends of foreign policy. On the one hand China engages in multilateralism, in particular by articulating how ASEAN and the ARF complements China's peaceful intentions for the region.²³ Traditionally, the argument presented here is that China has nothing to gain from pursuing a more assertive foreign policy. At a time when China's economic development depends considerably on a stable region and at a time when China's social stability and national development relies on a steady rate of economic growth, there is more to lose if China is seen as a source of regional disturbance or as an assertive regional power who does

integrate China into a system of regional order while also making possible a continued United States presence in the region.

²² *Ibid.*, p.210

not participate in substantial efforts at regional conflict management. From this position it is in China's long-term political and commercial interests to participate in ASEAN's regional confidence building activities. At the same time we cannot ignore the idea that it is in China's interests to preserve stability in Southeast Asia so as to prevent a consortium of extra-regional powers from being formed in the region as part of a balancing strategy aimed at Beijing.²⁴

On the other hand, certain aspects of China's foreign policy do seem to indicate to an assertive foreign policy stance. This is in particular reference to the China's behaviour regarding the lingering disputes in the South China Sea. As previously mentioned in Chapter Five, while China has been indicating the possibility of settling the disputes in these territories through negotiations, it has also taken unilateral action to extend its own influence into such territories. To this extent, S. Prakash has argued that an analysis of China's official policy statements and the actual initiatives that it has taken to enlarge its physical occupation of parts of the Spratly Islands alludes to the evolution of a two-track policy in which the military and the political dimension seem to have had a greater influence than the diplomatic one during the last decade or so.²⁵ The point that there is perhaps a contest between the military and diplomatic bureaucracies in determining China's South China Sea policy has also been mentioned by other regional observers. For instance Ian Storey has taken the position that China pursues a policy of creeping assertiveness in the South China Sea which can be attributed to idea that the Peoples Liberation Army (PLA) may have influence over the direction of Beijing's policy regarding the South China Sea.²⁶ In this case, one only has to consider how China has recently expressed the possibility of agreement with ASEAN on a code of conduct in such territories, while at the same time clandestinely constructing permanent structures on contested terrain. Given this the potential threat is not so much

²³ Cheng, J.Y.S., 'China's ASEAN policy in the 990's: Pushing for regional Multipolarity' in *Contemporary Southeast Asia*, Vol.21, No.2., August 1999, p.183

²⁴ Singh, H., 'Prospects for Regional Stability in Southeast Asia in the Post Cold War era' in *Millennium Journal of International Studies*, Vol.22, No.2, 1993.

²⁵ Prakash, S., *The Political Economy of China's Relationship with the ASEAN Countries: Conflict Management in a Multi-polar World*, information retrieved from website: <http://www.isda-india.org/an-apr-5html>.

²⁶ Storey, I.J., 'Creeping Assertiveness: China, The Philippines and the South China Sea Dispute' in *Contemporary Southeast Asia*, Vol.21, No.1, April 1999.

China resorting to the deliberate use of force to achieve certain foreign policy objectives, but more in the notion that a difference in opinion between China's foreign policy machinery and the PLA may lead to a military miscalculation or misunderstanding that could develop into conflict. The ability for ASEAN to maintain China in the ARF's emerging confidence building programmes is given greater importance from this perspective.

Nevertheless this relatively ambiguous aspect of China's foreign policy has been a key concern for ASEAN in the past few years. In the event, ASEAN has managed to approach China through unobtrusive dialogue rather than to insist that the issue be brought into any conflict settlement institutions. As previously mentioned, a positive value behind this is that it allows ASEAN to push on with developing closer political ties with China. To a certain extent this disposition can be seen as a way for the organisation to compensate for its disadvantage of not being able to bring China to the multilateral negotiation table because it still allows ASEAN to enhance security co-operation on other fields with Beijing. Though this may have the effect of bolstering ASEAN's image within the international system, it has also meant that ASEAN cannot introduce major alterations into ARF proceedings, preventive diplomacy being a key example. To do so could not only affect the forthcoming code of conduct in the South China Sea that Beijing has so far approved of, but more importantly China's overall contribution in ASEAN's burgeoning security forum.²⁷ At the same time, it is important to acknowledge that ASEAN's intent to develop closer ties with China is not only symbolic of ASEAN-style conflict avoidance and confidence building, it is also a reflection of other specific considerations, namely that ASEAN needs China's participation to make the ARF effective. What cannot be denied though, is that ASEAN has little choice but to maintain such links with Beijing, regardless of the fact that the member states do not have converging positions on China's contribution to regional security. As an ASEAN diplomat has explained,

²⁷ Cheng, J.Y.S., *op cit.*, p.192

“ Some would say ASEAN is not making an effect on China. But I would also say something is better than nothing. How else do you expect us to deal with this power? There is an equation to this. China is an international power, not just a regional one. China has become the major power in the region next to the United States. What we have learned is within the past few years, ASEAN has been able to place itself within a close position to China. We are not gatekeepers to a close political relationship with China, but we consider ourselves to be more familiar with China than many other states. The value of this cannot be underestimated. The more we are on good terms with China, the more we are aware of its interests [intentions]. There are issues involving China that concern the international community. The security of the Korean peninsula, the issue of Taiwan, the South China Sea, international crime, non-proliferation and more. As ASEAN has become more close to China, we can understand these things better.”²⁸

Regional observers such as Denoon and Colbert have made the point that the ARF is a security organisation only in the sense that it is concerned with developing understanding and substituting dialogue for conflict.²⁹ In this case what is also important to observe is that the ASEAN states do not expect the ARF to progress rapidly. As such it would fair to say that the forum is unlikely to become a vehicle for common action against real threats to regional peace.³⁰ What the ARF can become vehicle for is the significant advancement of ASEAN's international status. Through the ARF, ASEAN can be seen to be a group of states acting together to manage major power relations in the region. It is essential to point out how the Chairman's Statement from the Sixth ARF Meeting states that:

“The Ministers agreed that stable relations among the major powers was an integral element underpinning regional stability. In this regard, the Ministers welcomed the regular exchanges of visits, including at the leadership level, which have contributed to stable relations among the major powers. The Ministers stressed the importance of the major powers continuing to promote dialogue and co-operation among themselves through all available modalities, including the ARF.”

²⁸ Interview with general Jaran Kullavanija, Secretary-General of National Security Council, Bangkok, February, 1997.

²⁹ Denoon, D.B.H., and Evelyn Colbert, 'Challenges for the Association of Southeast Asian Nations', in *Pacific Affairs*, Vol.71, No.4, p. 514

³⁰ *Ibid*, p. 515

This feat has required ASEAN to be politically cohesive while trying to administer a system of security dialogue that has so far been accepted by the participating members. Given this, there is less incentive for ASEAN to introduce any major change to its extended conflict management system. However many would argue that this is a task that ASEAN can't do forever. The increasingly complex nature of violent conflicts within the international system and indeed the region will require ARF to be more than a large talk-shop. For the time being though, ASEAN has few choices but to find a way to be relevant in the region, even if it means acting as a meeting point for the states of the Asia-Pacific. To this extent Ambassador Terence O'Brien has made the important point that,

"[For ASEAN] it is a matter of policy options. Either ASEAN goes with what it knows and makes the ARF work, or it tries something new and struggles with a complex task. There have been comments that ASEAN is advocating an Asian version of preventive diplomacy rather than attempting to adopt a Western-based model that has become the focus of most analytical work. Of course such comments have tended to originate from within the ASEAN circle but there is somewhat of a truth to this. In the Agenda for Peace including its subsequent spin-offs, the preventive diplomacy which is talked about will be an important part of the international system. But it has many assumptions, one of them being that all states will need to see the importance of humanitarian intervention. But this is not the case in Southeast Asia so far. There is more concern for inter-state relations in this hemisphere and here is where a main difficulty is manifested. The ASEAN states have all had their own internal problems and they are aware of how a major crisis like what has taken place in Indonesia has come to affect the region. But for the moment, they are still co-ordinating their foreign policies based on the traditional approach. It is as if preventive diplomacy is less of a priority for them. For this there will be moments where the region will suffer. But it seems that ASEAN is willing to go through this."³¹

Perhaps it has been ambitious for us to expect an organisation such as ASEAN to consider a preventive diplomacy agenda at such a multilateral level

³¹ Interview with Ambassador Terence O'Brien, former New Zealand Permanent Representative to the United Nations, CSCAP Seminar on Preventive Diplomacy, Bangkok, March 1999.

as the ARF. Whatever the case may be, the important observation is that ASEAN is currently focused on proving itself as an organisation that can have a significant impact on the emerging patterns of security co-operation in the wider Asia-Pacific region. This has been expressed in a number of ASEAN documents, including the Chairman's Statements from ARF meetings where it is mentioned that:

"The Ministers had substantive discussions on major regional and international issues that had an impact on the regional security environment. The exchange of views was candid and focussed and helped to create better mutual understanding of the security perceptions and concerns among ARF participants."³²

The drawback is that for the time being, such arrangements do not appear to accommodate any multilateral initiative at pro-active conflict management. But what about conflict management at the intra-ASEAN level? At first it would appear that preventive diplomacy would have more of a chance to become a course of action at this level. After all it is within the immediate Southeast Asia region where such an approach to conflict management has been needed the most. The notion that ASEAN operates with fewer states than the ARF, and that the grouping already shares an extensive history of co-operation would go to indicate that preventive diplomacy may have more of a chance of being considered here than in the ARF. Upon closer scrutiny though, there appears to be as many reasons to resist preventive diplomacy at this level.

B. Intra-ASEAN Conflict Management

The principle assumption that the organisation will need to develop certain measures to thwart episodes of violent intra-state conflict has not been favoured by all the ASEAN states.³³ This lack of consensus on the issue of

³² See Appendix D

³³ Though some ASEAN states have indicated that ASEAN will need to do more in regional conflict prevention (Thailand and the Philippines for example), others have refused to endorse any fundamental change to the organisation's diplomatic principles

reforming ASEAN's institutional capabilities in conflict management goes to suggest that for many of the member states, the 'ASEAN way' remains sacrosanct and not subject to any alteration. But before considering the reasons behind this, it is first necessary to mention the work done by J.N Mak and the Stockholm International Peace Research Institute on the 'ASEAN way' and its ramifications on enhanced security co-operation in the region. The position taken here is that because the ASEAN system is an exclusive one, it is only transparent to privileged members or insiders.³⁴ ASEAN's style of quiet and behind-the-scenes diplomacy therefore contradicts the transparent and open manner of conflict management that is advocated by a truly multilateral approach. In this case a review of the core principles of ASEAN's system of conflict management would also reveal that they stand in the way of the development of more proactive approaches such as preventive diplomacy.³⁵ This is because the ASEAN approach relies perhaps too much on a process of dialogue characterised by no formal agenda, a protracted negotiation procedure based on consultation to reach a consensus, a closed environment where key officials work on specific issues behind closed doors, and the preference for actual ASEAN interaction on security issues to be at the bilateral level.³⁶ In this case one needs to consider the possibility that the lack of an effective transparency mechanism may hold back the creation of certain crisis-oriented confidence-building measures while the practice of achieving consensus may prohibit effective decision making on such activities as early warning.

From another viewpoint, it has been suggested by T. Nischalke that the inability of the ASEAN members to maintain a consensus on the issue of modifying the organisation's diplomatic traditions (for the sake of introducing preventive diplomacy) should not be too difficult for us to understand. This is premised on the argument that ASEAN co-operation has always been a matter of

(Myanmar and Vietnam). This can be illustrated by looking at the debate over ASEAN's policies of constructive engagement and enhanced interaction. This has been discussed in Chapter Five.

³⁴ Mak, J.N., 'The ASEAN way and Transparency in Southeast Asia' in Bates Gill and J.N Mak (eds.) *Arms, Transparency and Security in Southeast Asia*, Stockholm International Peace Research Institute Report No.13, Oxford University Press, Oxford, 1997, p.38

³⁵ *Ibid.*, p.43

³⁶ *Ibid.*, p.42

convenience rather than a sacrosanct commitment to co-operation premised on the idea of building a community.³⁷ Here, Nischalke advocates the importance of realising how ASEAN co-operation was based more on behavioural norms of the Treaty of Amity and Cooperation rather than prevailing guidelines of consultation and consensus, and that unanimity came about only after extensive negotiation behind closed doors (and not by gradually converging views). This point is taken further by E. Solingen who argues that ASEAN has persistently worked as a regional cluster of internationalist coalitions that co-operate with one another to advance their grand strategy (encompassing domestic regional and international objectives).³⁸ Correspondingly we should be aware of the idea that there may be too many conflicting interests within ASEAN for such behind-the-scenes negotiations to prove effective. ASEAN's recent incorporation of Vietnam, Burma, Laos and Cambodia, has brought into the group new strategic perspectives and interests that are sometimes incompatible with those of other ASEAN states.³⁹ To this extent, it cannot be assumed that such patterns of interaction that characterise intra-ASEAN relations will be readily extended to the new members.⁴⁰ In other words we must also not forget that ASEAN remains an institution driven by the individual interests of its members and as such the organisation is much more fragile than it appears.⁴¹ It will take time before the newest members will be able to contribute to ASEAN's ability to form coherent collective policies.

It has also been quite obvious that since membership expansion, the main issue of disagreement between the ASEAN states is the issue of non-interference. There are those within ASEAN who staunchly defend the principle, and there are those who have come to the position that such a cornerstone of ASEAN's creed will need to undergo certain modifications. But the arguments favouring a continued commitment to non-interference are well voiced within

³⁷ Nischalke, T.I., 'Insights from ASEAN's Foreign Policy Cooperation: The ASEAN-Way, a Real Spirit or a Phantom?' in *Contemporary Southeast Asia*, Vol.22, No.1, April 2000, p.105

³⁸ See Solingen, E., 'ASEAN, Quo Vadis? Domestic Coalitions and Regional Co-operation', in *Contemporary Southeast Asia*, Vol.21, No.1, April 1999

³⁹ Narine, S., *op cit.*, p.211

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, p.212

the organisation. The general thesis has been to say that a change to the policy of non-interference will put severe strain on ASEAN political relations. For example Singapore Foreign Minister Jayakumar has made the point that,

“most of us have diverse populations, with significant differences in race, religion and language, all of which are highly emotive issues. The surest and quickest way to ruin is for ASEAN countries to begin commenting on how each of us deals with these sensitive issues.”⁴²

At the same time, former Indonesian Foreign Minister Ali Alatas has also made the comment that ,

“ if the proposition is to talk publicly about internal problems, we will be back to when ASEAN was not formed, when Southeast Asia was full of tension, mutual suspicion, and only because ASEAN was created, we have had more than 30 years of stability, of common progress”.⁴³

ASEAN's timid response to the East Timor crisis is a primary example of how non-interference has come to degrade the Association's effectiveness as a security organisation. In this case a number of regional observers have made the argument that ASEAN has not had (nor has it developed) a culture of moral intervention even though this had taken root in the international system after involvement in conflicts in Somalia, and Bosnia. The point to consider is that ASEAN has not been sensitive to the growing constituency for moral intervention because the foreign policy establishments have taken the traditional view of “ASEAN first, everything else second”.⁴⁴ Because of this, the organisation was largely trapped with the notion that East Timor was an internal matter for Indonesia to solve by itself. To add to this, the decision not to intervene was compounded by the fact that the ASEAN members simply did not want to irritate the conventional leader of the organisation. On this account Alex Magno has commented that “there was a certain cynical attitude, that because the Indonesian military was involved, we [the ASEAN states] did not want to

⁴² Cited in Hacke, J., *op cit.*, p.594

⁴³ Quoted in The Nation, July 24, 1998, p.1. This was cited in Hacke, J., *op cit.*, p.593

⁴⁴ Remarks by Professor Alex Magno, in 'Politics behind ASEAN's Inaction', in *Straits Times*, October 17, 1999

displeasure that single institution that will outlive any presidency in Indonesia.”⁴⁵ This is a point that has been concurred by Soedjati Djiwandono of Jakarta's Centre for Strategic and International Studies, who suggests that the primary reasons for ASEAN's reluctance to get involved in East Timor centred around avoiding a strained relationship with Indonesia.⁴⁶ The East Timor case reveals a key aspect of foreign policy positioning between the ASEAN states and this is the idea that the ASEAN states will not jeopardise inter-state co-operation for the sake of an internal problem. What was at stake for the ASEAN members, during the East Timor crisis, was not the credibility of ASEAN as a security organisation, but their own bilateral relationships with Indonesia, ASEAN's largest member. The implication here is whether it is a customary practice for ASEAN to sacrifice episodes of internal instabilities and violence for normalcy in their regional relations? When asked about this, a senior ASEAN diplomat has made the revealing response of, “yes, what ever makes ASEAN ticks, it works.”⁴⁷

Another response to the question why several ASEAN states strongly resist changing ‘non-interference’ has been that they are facing increasing internal problems that, if interfered with from external sources, could undermine regime survival.⁴⁸ In this case it is important to be aware of how certain ASEAN members regard questions relating to regime legitimisation (and thus the protection of values or interests of the ruling political or military elite) as a fundamental aspect of national security considerations.⁴⁹ For instance Anthony Smith has suggested that Indonesia is not in favour of changing this principle because it would bring more attention to Jakarta's inability to cope with internal conflict in Aceh, Ambon, Kalimantan, and Irian Jaya, as well as the internal conflict deriving from anti-Chinese sentiment within the army and wider society. Here, we must also consider continuing sectoral violence between the Muslim and Christian populations throughout the country. Though the decline of Indonesian leadership within ASEAN (due to recent internal difficulties) has also

⁴⁵ *Ibid.*

⁴⁶ ‘Politics behind ASEAN's Inaction’, in *Straits Times*, October 17, 1999

⁴⁷ Interview with Dr. Charivat Santiputra, Bangkok, March 1999.

⁴⁸ Hacke, J., *op cit.*, p.595

had significant impact on ASEAN political direction, the point is to acknowledge how the matter of reforming the principle of non-interference could eventually polarise the organisation.⁵⁰ This is due to the fact that for many of the ASEAN members, internal security situations still do not constitute ASEAN institutional intervention.⁵¹ For instance in Malaysia, divisions within the leadership and the problem of radical religious elements threatening national security are such issues which Kuala Lumpur refuses to bring to the multilateral spotlight.⁵² While in Myanmar, a country facing strong ethnic and ideological divisions (along with accusations of human rights violations), the ruling junta does not want to relinquish its 'international legitimacy' recently gained by becoming a part of ASEAN.⁵³ In essence the change to the principle of non-interference calls for the ASEAN states to be more open about the difficulties they have within themselves and with each other, and this seems to be a political position that is beyond the reach of the organisation for the time being. Bilateral relations within ASEAN are at an all time low and as such, many policy makers have come to agree that traditional inter-state confidence building and not its reform, is needed most.⁵⁴

However as much as we consider how persisting internal instability (and in some cases the importance of regime survival) within several ASEAN states continues to act as an obstacle towards reforming the ASEAN way, we must also mention how a strong preference for certain diplomatic traditions also plays a role in preventing ASEAN members from fully endorsing preventive diplomacy. This specifically refers to the practice of quiet diplomacy and the use of bilateral or extra-institutional processes to settle disputes among the ASEAN members.⁵⁵ It has been suggested by many observers that the ASEAN states have tended to

⁴⁹ Ramcharan, R., *op cit.*, p.81

⁵⁰ Smith, A., 'Indonesia's Role in ASEAN: the End of Leadership?' in *Contemporary Southeast Asia*, Vol. 21, No.2, August 1999, p. 248

⁵¹ For an analysis on regime security within ASEAN and its considerations on foreign policy, see Hacke, J., *op cit.*, pp.595-598

⁵² Abdullah, K., 'National Security and Malay Unity: The Issue of Radical Religious Elements in Malaysia' in *Contemporary Southeast Asia*, Vol.21, No.2, August 1999

⁵³ Hacke, J., *op cit.*, p.597

⁵⁴ Smith, A., *op cit.*, p.250

⁵⁵ Hacke, J., *op cit.*, p. 592

avoid bringing intra-mural disputes to the forefront of corporate activity because of their ability to do so out of the public eye. ASEAN members have had a tradition of making comment on certain in areas of inter-state (and sometimes even intra-state) contention, but they have done so behind closed doors and outside the realm of the organisation.⁵⁶ In this way the individual members and not ASEAN are involved in the conflict management process. Because of this it has been suggested that “the ASEAN countries have adhered to the principle of non-interference but haven’t exactly abided by it”.⁵⁷ As Malaysian foreign Minister Badawi has mentioned,

“We know that this cannot be further from the truth. We have not only commented and criticised, we have even expressed reservation when necessary. But we do all of this quietly, befitting a community of friends bonded in cooperation and ever mindful of the fact that fractious relations undermine the capacity of ASEAN to work together on issues critical to our collective being. We do it in this quiet way because criticising loudly, posturing adversarially and grandstanding bring less results and does more harm than good. Problems existing between two countries are best settled at the bilateral level. There is no need to transform such problems to become an ASEAN issue.”⁵⁸

The attachment to this approach of diplomacy can be explained by several factors, ranging from the strong aspect of ASEAN political culture of ‘saving face’, to the history of ASEAN political co-operation during the formative years of the organisation. However, it has been suggested that an important driving force behind this is the recognition of how this practice compensates for the limitations of the ‘ASEAN way’. In this sense it is essential to recognise how the functioning of the ASEAN conflict management system has often been supported by a practice of bilateral conflict settlement that exists outside of the corporate periphery. The implication here is that the ‘ASEAN way’ has been able to manifest itself (and even become commended) partly because there has been a supporting network of bilateral relations that are guided

⁵⁶ Ramcharan, ‘ASEAN and Non-interference: A Principle Maintained’ in *Contemporary Southeast Asia*, Vol.22, No.1, April 2000

⁵⁷ Ramcharan, R., *op cit.*, p.81

⁵⁸ This was cited in Ramcharan, R., *op cit.*, p. 80

by conflict management protocols detached from the ASEAN spotlight. However and as previously mentioned, the problem with such practices is that they are not open to public scrutiny because they are usually well entrenched within a secretive process involving a limited group of key policy makers. Though this may reflect upon a prevailing strategic culture within Asia, it would be difficult for us to analyse precisely how such a practice has been effective in supporting the ASEAN confidence building mechanism by actually settling conflicts within the region.

The ASEAN states (excluding the newest members), have not been in situations of open conflict with each other since the era of *konfrontasi* preceding the organisation's formation. Perhaps the only incidents of inter-state conflict which they have experienced have been isolated episodes involving border patrol clashes. The generally successful outcomes of managing such incidents through quiet and bilateral channels does not lead us to the conclusion that such mechanisms provide a reliable means of conflict management that can totally compensate for the deficiencies of the ASEAN way. It would be more appropriate however, to say that the ASEAN states have been familiar with the bilateral option to mend clashing diplomatic positions or to patch up public diplomatic rows that have come to affect the image of ASEAN unity.⁵⁹ Given this it would be a bold assumption to conclude that the 'ASEAN way' has been justified as result of such bilateral traditions. There is no guarantee that such bilateral approaches will automatically take into affect and produce results if the ASEAN approach has been overlooked. Though the ASEAN members may indicate adherence to such bilateral channels to conflict management, it would be fair to assume that their usefulness will successively be questioned given the increasingly complex nature of violent intra-state conflicts within the region. On this note a senior ASEAN policy maker has argued that,

" If you must look at one major problem with the ASEAN it is that we don't say things so straightforwardly. We project an

⁵⁹ For instance see Hacke, J., *op cit.*, pp592-594. For a more detailed account of how bilateral processes have been a distinguishing mark of intra-ASEAN tension reduction see Leifer, M., *ASEAN and the Security of Southeast Asia*, Routledge, London, 1989.

*image of cooperation because we don't actually resolve certain problems. We hope rather than assume that problems between us will be fixed by those involved. You can look at it one way and say this formula that is effective. But you can also say that it is not. I think this will bring us problems. If there is an important issue which affects the whole region, and nothing is said, then this will mean that we are a group of states who are not able to do much at all.*⁶⁰

Perhaps a more effective conflict management process that has taken place outside the ASEAN framework has been the Indonesian sponsored *Workshops on Managing Potential Conflicts in the South China Sea*.⁶¹ The Workshops have been an important feature of security co-operation in the region since 1991 and they have received substantial support from ASEAN and its dialogue partners. The Workshops have been organised by the Indonesian Department of Foreign Affairs along with support from a number of other institutions such as the Canadian International Development Agency, the Institute for Southeast East Asian Studies, and the South China Sea Informal Working Group at the University of British Columbia. Each year, the Workshops have enjoyed participation from over fifty participants from “the countries around the South China Sea region”.⁶² Though informal by nature, the Workshops play an important role in supporting other regional efforts in security co-operation such as the ARF. This is due to the fact that the Workshops have progressed along the ASEAN traditions of fostering functional co-operation while sustaining a dialogue process conducive to community building among the participants.⁶³ The fact that China refuses to discuss the matter of the South China Sea multilaterally (as in the ARF) but participates in this informal Workshop is another vital aspect.

In the field of fostering functional co-operation in the South China Sea, the Workshops have encouraged participation in a host of projects. A study of the progress from the Third Workshop in 1992 to the Tenth Workshop in 1999

⁶⁰ Interview with Ambassador Jayanama, CSCAP Meeting on Preventive Diplomacy, Bangkok, March 1999

⁶¹ Statements from the Third to the Tenth Workshop on Managing Potential Conflict in the South China Sea have been attached as Appendix E.

⁶² See Appendix E.

⁶³ This will be discussed below.

would reveal that such projects have included resource management, shipping, navigation and communications, environment, ecology and marine scientific research, territorial and jurisdictional issues, and other institutional mechanisms for co-operation. It is important to mention how these projects have been sensitive to the continuing tensions in the South China Sea by stating such objectives as “investigating directions for further cooperation that did not impact or attempt to prejudice questions of territorial sovereignty”.⁶⁴ So far, the Workshops have seen the establishment of several working groups to enhance functional co-operation between the participants. These have included such groups as the Marine Scientific Research Working Group, the Technical Working Group on Shipping and Navigation, the Group of Experts on Biodiversity, the Technical Working Group on Marine Environmental Protection, and the Technical Working Group on Legal Matters. At the meeting in 1999, proposals for co-operation included the further establishment of working groups on search and rescue, monitoring illegal acts at sea, sea-level and tide monitoring, and environmental legislation.⁶⁵

At the other side of the spectrum, the Workshops have been able to sustain momentum on improving political and security relations among “the countries around the South China Sea region”. It is noteworthy to observe how the dialogue from these meetings has constantly been able to refer to statements such as “the participants engaged in frank and constructive discussion in a spirit of friendship and cooperation”, and that “nothing in the Workshop or any related meetings prejudiced or affected territorial or jurisdictional claims or positions in the South China Sea”. More substantially the Workshops have allowed the participants to “recommend to their respective governments, including a renunciation of the use of force to settle territorial and jurisdictional disputes, the settlement of disputes by peaceful means through

⁶⁴ See the Statement from the Third Workshop on Managing Potential Conflict in the South China Sea in Appendix E.

⁶⁵ See the Statement of the Tenth Workshop on Managing potential conflict in the South China Sea in Appendix E

dialogue and negotiation, the exercise of self-restraint in order not to complicate the situation, and cooperation in the disputed areas”.⁶⁶

Although discussions in the Workshops have seen proposals for more specific mechanisms of confidence building and for more formal approaches to security co-operation, such issues have not been agreed upon by all the participants. For example in the Fourth Workshop (1993) it was mentioned that:

“some participants also felt that the time to formalize the activities of the Workshop may also have come, particularly in order to engage governments or authorities much more strongly in this endeavour. According to this view, this is becoming more important, since, unlike in other regions of the world, at this moment there is no formal mechanism for cooperation in the South China Sea area as a whole. Others were of the view that formalization may be too early at this stage. The Workshop will continue discussion on this matter in the future.” ;

while in the Fifth Workshop (1994) it was stated that:

“The participants discussed confidence building measures in regard to potential disputes in the South China Sea (particularly in the Spratly and Paracel), as suggested in the previous workshops, particularly on the need for non-expansion of existing military presence. The majority of the participants expressed support for the need of the non-expansion of existing military presence, while some participants felt difficulty in expressing their views at this time. Some believed that it was not necessary to adopt any of these measures for the time being. The majority believed that the non-expansion of existing-military presence was fundamental.”

But such remarks have not meant that the participants to the Workshops have remained stagnant on enhancing co-operation within the dialogue process. For instance at the Sixth Workshop in 1995, it was mentioned that:

“The participants were encouraged by the series of dialogues recently taking place among some of the countries concerned, either bilaterally or multilaterally, formally or informally. The participants expressed their fervent hope that this series of dialogues would continue and extend further so as to contribute

⁶⁶ See clause 9 of from the Statement of the Third Workshop on Managing Potential Conflicts in the South China Sea. Please refer to Appendix E.

to creating an atmosphere of consultation, understanding, trust and calm which ultimately would help to diminish the potential for conflict in the South China Sea. The meeting noted that eight principles for a code of conduct were agreed between the People's Republic of China and the Philippines, and that these constitute confidence building measures in the region."

More recent statements from the Workshops have also alluded to the importance of its dialogue process, such as the remark from the ninth workshop (1998) which mentioned "that the participants agreed that the Workshop process, including elements of a code of conduct, would be important confidence-building measures, which would be an important aspect in the promotion of understanding, peace, trust, stability, prosperity and cooperation in the South China Sea", and the remark from the Tenth Workshop (1999) which "noted and expressed support for the efforts of another forum (ASEAN China Dialogue) to develop a code of conduct for the South China Sea region, and agreed to continue exchanging views on a code of conduct in this Workshop". Although at this juncture, it cannot be taken for granted that a code of conduct will shortly come into effect in the South China Sea, it is important to see how the Workshops have served as a supportive regional conflict management mechanism to ASEAN and the ARF.

In the meantime, within the ASEAN framework the reality of continuing intra-ASEAN tensions and the inability of the institution to deal directly with intra-state conflicts are issues which continue to tarnish the organisation. For this, ASEAN has increasingly been referred to as an organisation with declining purpose in a post-Cold War environment. This has led many observers to suggest that if ASEAN does not prove to be effective in the coming years, it is unlikely that its members will remain committed to it.⁶⁷ However it would be difficult to assume that the ASEAN members will abandon the grouping for such reasons. The understated sentiment among ASEAN observers is that although the organisation suffers from substantial inadequacies, it has nevertheless made an impact on the emerging security order in Southeast Asia and within the wider Asia-Pacific region. But the unceasing internal conflicts within Southeast Asia

⁶⁷ Narine, S., *op cit.*, p.213

will not wait for the ASEAN states to become more unified or develop a stronger sense of regional interest. Given this it is even more important for us to investigate into the ways in which the ASEAN states can play some sort of role in preventing regional violence.

III). Developing Preventive Diplomacy in ASEAN: Is there a Way Forward?

The fact that ASEAN has not been able to embrace preventive diplomacy leads us to the proposition that it is important to strengthen the trend of research into international conflict preventive within ASEAN foreign policy circles. The intent here is to bring into light some of the methodologies associated with preventive diplomacy, so as to clarify certain assumptions that may cause ASEAN policy makers to rebuff its potential utility. Perhaps the most important consideration that the ASEAN states should take heed of is that preventive diplomacy operations in intra-state conflicts do not always fall into the category of interference if they are carried out by invitation or the consent of all the concerned parties. In his sense the personal style of diplomacy which is a key aspect of the 'ASEAN way' can be an important factor in convincing a neighbouring state to invite humanitarian assistance when needed. The ASEAN network of senior officials consist of diplomatic and military officials who are in frequent contact.⁶⁸ Their functioning as a community of policy makers, who often engage in diplomatic activities behind closed doors, can in certain situations, prove effective in gaining consent from a country to accept humanitarian assistance from its neighbouring states.

It is also easy to take for granted that certain practices of preventive diplomacy such as fact finding and early warning, normally involve an interference in the internal affairs of a state. This is particularly so when the scope of preventive diplomacy extends beyond some of the more traditional security concerns such as build-up of armed forces along border areas or an

escalating dispute over contested territory. But researching into conflict will certainly involve investigating into the causes as well as the means of conflict. Not only will information on arms transfer or the mobilisation of forces be required, but an analysis into the political, social or economic causes of a potential conflict situation must also be undertaken. The conjecture here is that information on these matters are often deemed as critical to the national security of a particular state. This then raises fundamental questions of who would be the right agency to make effective fact-finding or conflict analysis units? Should the make-up of such an agency consist of impartial personnel? And how do we ensure that such sensitive information is kept in safe hands or that it will be used appropriately? As the experience of the now defunct Office of Research and Collecting Information (ORCI) of the United Nations has demonstrated, few states are willing to allow access to such confidential information to an entity that they do not fully trust. In this case it is unlikely that the ASEAN states will develop such a task for the ASEAN secretariat or any other related regional bureau. If the ASEAN states are already unwilling to pool their sovereignty, then it is also improbable that they will create a separate or self-regulating authority to monitor regional conflicts. But if not ASEAN, then who?

It is important for the ASEAN states to realise that the operations associated with early warning do not automatically involve cloak and dagger tactics. Fact-finding for signs of intra-state conflict, in most cases, involves studying levels of tension between disputing parties, the extent of erosion of political legitimacy of national governments, the level of acceptance of sectoral politics, the polarisation of communities or 'enemies' defined, and of course, sporadic low-level violent acts.⁶⁸ The point is that such criteria of analysis do not necessarily involve investigations into confidential information, especially when considering the rapid advancements in global telecommunications and media technology. However if developing systematic fact-finding or early warning mechanisms may be an unpopular policy option for ASEAN for the time being, we must recognise that there are other preventive diplomacy tools

⁶⁸ A review of a schedule of ARF meetings and Activities in Appendix G would attest to this.

⁶⁹ Lund, M., *op cit.*, p.149.

that can be applied to the region. Here, we acknowledge how the organisation, through the ARF has made some progress towards establishing a register of eminent persons that can be used for fact-finding missions and the provision of diplomatic good offices. For instance, in the Chairman's Statement of the fifth ARF meeting in 1998, it is mentioned that,

"Noting that the distinction between CBMs and preventive diplomacy was blurred, and in light of the decision of ARF 2 that the consideration of these two issues could proceed in tandem, the Ministers agreed that the ISG should further consider the following tabled proposals: an enhanced role for the ARP Chairman, particularly the idea of a good offices role, the development of a register of experts or eminent persons among ARF participants; Annual Security Outlook; and voluntary background briefing on regional security issues. The Ministers agreed that the ISG should hold two meetings in the next inter-sessional year with one meeting addressing the overlap between CBMs and preventive diplomacy, including the four proposals tabled."⁷⁰

The task for ASEAN in this case, is to establish in advance, a register of qualified individuals with appropriate diplomatic, legal, economic or political credentials who might be called upon by states to take early action when situations of tension arise.⁷¹ Such eminent persons or special representatives would also be required to perform low-key, non-binding, non-judgemental, non-coercive and confidential acts of mediation. If this initiative has been viewed by the ASEAN members and their ARF partners as a key development to enhancing security co-operation within the region, then it should be an operation in which the organisation should continue to commit to.

It is also essential for the ASEAN states to understand that situations of intra-state conflict have a direct effect on the security of the region as a whole. The incidents in East Timor, Myanmar and in Cambodia all go to demonstrate how unmanaged intra-state disputes have the ability to jeopardise the political,

⁷⁰ Chairman's Statement, Fifth ASEAN Regional Forum, 1998. Please refer to Appendix B for a review of proposals for developing a good offices machinery and other military confidence-building measures.

⁷¹ Dhavernas, D., 'Towards a Framework of Dealing with Regional Conflict' In S. Viraphol and W. Pfennig (eds.) *ASEAN-UN Cooperation in Preventive Diplomacy*, Ministry of Foreign Affairs, Bangkok, 1995, p.69

economic and indeed the diplomatic well being of the region. For instance it is not difficult to see how the situation in East Timor has raised questions concerning other separatist movements in Southeast Asia, the economic and social costs involved with the humanitarian crisis caused by the escalation of the violence, and the diplomatic costs to ASEAN as an organisation premised on managing regional security. This further accentuates the notion that the region can no longer wait for ASEAN to strengthen intra-mural political co-operation or to develop a common set of values before developing some kind of preventive diplomacy machinery. Certain conflict prevention mechanisms should be readily available in case of further conflict situations breaking out. Although the principle of non-interference remains as the chief obstacle to ASEAN being able to take on a wider conflict prevention agenda, it is important to realise that the organisation can still co-operate in providing humanitarian assistance in the event of severe intra-state violence. To this extent Aderemi Ajibewa points out that the stipulation in the ASEAN declaration on the avoidance of interference in the internal affairs of member states was not designed to inhibit ASEAN or Southeast Asian leaders from assisting in solving each other's problems.⁷² The suggestion here is a crucial one for it implies that preventive diplomacy measures need not be under ASEAN auspices for them to be used in the region. Even more so, it implies that the ASEAN states must take it upon themselves to consider intervention for humanitarian purposes.

It is important to demonstrate how certain ASEAN members possess particular qualities that may be valuable for them to contribute to the availability of certain preventive diplomacy machinery in the region. The ASEAN Troika experience in Cambodia has often been viewed from varying perspectives.⁷³ On the one hand it can be seen as an operation where ASEAN did not achieve much in preventing the emergence of violence, even though there had been signs of looming political conflict within Cambodia. On the other it can be seen as an educational experience for ASEAN, in that several members were accepted to

⁷² Ajibewa, A.I., 'Regional Security in an Expanded ASEAN: A New Framework' In *Pacifica Review*, Vol. 10, No.2, June 1998, p.136

play a mediating role to prevent the further escalation of intra-state violence. Although ASEAN's initial gesture to offer its diplomatic good offices was rejected by Hun Sen (and that it was primarily due to international pressure before ASEAN, through the Troika, was accepted into a mediator position), and although it was Japan's entry into discussions that led to breakthrough towards a process of conflict settlement, the organisation possessed certain capabilities that allowed it to play a limited role. This is in reference to the use of a network of senior diplomats to support a process of shuttle diplomacy that the Troika employed to maintain a channel of communication between the conflicting parties in order to promote the development of a political solution. Though the ASEAN Troika may have had less of a role in formulating the actual political terms of conflict settlement, it has nevertheless demonstrated that the organisation is not completely incapable of playing a similar role in the coming years ahead. If the general assumption is that it will take a long time before ASEAN (as an institution) is politically ready to develop a comprehensive preventive diplomacy agenda on its own terms, then it must also be acknowledged that several members could, in their own capacity, start to play a rudimentary role. Perhaps we will see another Troika to perform the functions of providing good offices or even to seek the political grounds for intervention to provide humanitarian assistance.

It is also important to mention how the experience of East Timor's violent separation from Indonesia provides us with key lessons for the possibilities of preventive diplomacy in Southeast Asia. Though this incident has shown us how ASEAN was relatively unresponsive to the developments in the former Indonesian province, it has also shown how the ASEAN states were eventually able to work with the United Nations in peace-keeping operations. The United Nations operations in East Timor represented the first time that ASEAN states participated in peace-keeping activities within another member state.⁷⁴ This points to a fundamental observation – that the ASEAN members could play an important role in future United Nations-led operations within the

⁷³ This has been discussed in Chapter Five. The Troika comprised of the Foreign Ministers of Indonesia, the Philippines and Thailand.

region. The suggestion here is that ASEAN could play a complementary role to the United Nations in other fields besides peace-keeping. For instance ASEAN members can be more active in offering its good offices to the Secretary-General in the event of a regional conflict. The implication here that ASEAN could have, at the ready, a select team of senior diplomats or regional leaders who are able to assist the Secretary-General on negotiation or mediation efforts. It is important to bear in mind that since ASEAN on its own cannot be currently relied on to provide a preventive diplomacy regime, perhaps it would be more appropriate to consider ASEAN co-operation with the United Nations as a better formula. There have been a number of recommendations as to how ASEAN can play a more effective role in regional conflict prevention if premised on co-operation with the United Nations. This has included the proposal to help establish a United Nations risk reduction centre within the region, an inventory of regional disputes to assist in fact-finding and monitoring of potential conflict situations, and perhaps even well-trained military units provided by the individual ASEAN states to assist in United Nations operations in preventive deployment.⁷⁵ Though discourse on an ASEAN-UN framework has yet to produce any blue prints on specific operations, it is important to accept how such a relationship can be considered to be the premise for forthcoming preventive diplomacy efforts in the region.

By the same token, it is important to acknowledge that ASEAN should further develop its confidence building measures in the area of conflict prevention at the inter-state level. As previously mentioned, although Southeast Asia remains relatively free from major inter-state conflict, perhaps the key threat of armed confrontation between states derives from the possibility of military miscalculations or misunderstandings. This refers particularly to contested border areas and of course, the territories in the South China Sea. The chief objective then would be for ASEAN to set out certain measures aimed at

⁷⁴ This excludes the case of Cambodia which, during the time that saw regional assistance in peace-keeping, was not as yet a member of ASEAN.

⁷⁵ Perkin, L.J., 'ASEAN-UN Cooperation for peace and preventive Diplomacy: A United Nations perspective' in S. Viraphol and W. Pfennig (eds.) *ASEAN-UN Cooperation In Preventive Diplomacy*, Ministry of Foreign Affairs, Bangkok, 1995, pp.11-13

preventing accidents from occurring between the armed forces stationed in these areas. For this task, ASEAN should be able to apply two categories of confidence building measures – those involved with information and communication, and those based on constraint.⁷⁶ Though ASEAN has already been active in the first type of confidence building measures (such as the exchange of security perceptions or defence white papers), it may be worthwhile for ASEAN to study the development of communication hotlines between senior military leaders, a process of notification for certain military activities, or even the establishment of a regional contingency plan to deal with military accidents. The priority for ASEAN here is to focus more on measures to promote transparency and confidence in military relations.⁷⁷ To this extent, Christopher Joyner has mentioned that it could be helpful to devise and coordinate a common set of operating procedures for navies and airforces of concerned governments in disputed areas such as the South China Sea.⁷⁸

Nevertheless among the various proposals for preventive diplomacy that have been put in front of ASEAN, it is important for the organisation's policy makers to acknowledge that the likely source for forthcoming regional conflict will be those of an intra-state nature. Whether they originate from the provinces of Indonesia or from the lingering political conflict in Myanmar, such cases have the potential to cause regional instability and have the chance to involve a humanitarian crisis. ASEAN's policy of enhanced interaction may not be able to have a direct affect on preventing armed hostilities, but we must be willing to recognise that individual efforts, such as the Indonesian good office role in the Moro dispute (mentioned in Chapter Five), also serves as a possible way forward for conflict prevention in the region. Though this does not make up for ASEAN's deficiencies in any way, it must be considered as a positive factor for the practice of conflict prevention in Southeast Asia. Whether it be through shuttle diplomacy, the facilitation of military-to-military consultations, or negotiations for the delivery of humanitarian assistance, it would be fair to say

⁷⁶ Dhavernas, D., *op cit*, p. 75

⁷⁷ *Ibid.*, p.70

that such techniques, if employed, will be a welcome development for the region.

As ASEAN attempts to redefine itself as a consequential security grouping within the wider Asia-Pacific, and as it copes with what it considers to be an incremental process of fortifying intra-mural political unity, the member states must come to the realisation that such paths leave little room for preventive diplomacy to become a dominant character of the organisation. But perhaps an even more controversial observation is that ASEAN cannot be relied on for any comprehensive conflict prevention measures to take effect in the region for the foreseeable future. It would not be far-fetched to re-consider the notion that ASEAN was never intended to be an organisation premised on elaborate conflict management programmes, and as such, the organisation will remain staunchly committed to a framework of confidence-building. Can we then expect ASEAN to play a limited role in preventive diplomacy, participating only in adhoc measures and without any pretence of a far-reaching arrangement of pro-active regional conflict management? In many ways ASEAN has had the benefit of existing in a relatively peaceful post Cold War regional security environment. Apart from several notable cases of internal political conflict (one which has already seen United Nations involvement and a process of conflict settlement), Southeast Asia remains free from severe inter-state contention. As regional leaders are putting more effort into dealing with domestic issues, particularly in light of the recent financial crisis, multilateral co-operation in regional conflict management appears to be an issue of modest concern. Perhaps it will only take further episodes of humanitarian crises and violent intra-state conflict before ASEAN realises the importance of being prepared.

Summary

It has been the purpose of this chapter to identify some of the key reasons behind ASEAN's inability to embrace a preventive diplomacy agenda. Our study

⁷⁸ Joyner, C., *op cit.*, p.91

has revealed that the ASEAN states cannot support the notion of preventive diplomacy, mainly because such a mechanism of conflict prevention advocates fundamental changes to the key principles of ASEAN diplomacy. The principle of non-interference, the practice of quiet diplomacy and the preference for bilateral or extra-institutional diplomacy to address inter-state disputes or a problematic domestic situation remains important for the ASEAN members, especially those who have recently joined the organisation. Concerns over regime security and a prevailing precedence given to protecting inter-state relations can be seen as the key obstacles to a reform to the 'ASEAN way' of regional conflict management. Secondly within the realm of the ARF, preventive diplomacy is considered to be less of a priority for ASEAN since it represents a change to the policy of sustaining a framework of intergovernmental confidence-building and functional co-operation that has emerged within the wider Asia-Pacific region. With a membership of twenty-one states who are distinct in political systems and in economic status, not to mention the fact that they have not had the experience of security co-operation on such a multilateral level, the development of a preventive diplomacy agenda in this dimension would be, to say the least, an arduous task. For ASEAN the fact that its existing arrangement of confidence-building and diplomatic communication has proved to be useful in enhancing ASEAN's international status and that it allows ASEAN to influence major power interaction in the region goes to support its prolongation as the ARF's chief operating guideline. However this is not to say that the region will not see the use of any preventive diplomacy measures whatsoever. The ARF Track Two initiative has been important to the gradual introduction of certain preventive diplomacy ideas into official ARF discussions as well as those within ASEAN proceedings. Though such proposals have tended to advocate an approach to preventive diplomacy at the inter-state level, they nonetheless provide a valuable link between ASEAN policy makers and the many innovative proposals for conflict prevention that are increasingly being studied in international conflict management discourse.

The fact that ASEAN faces too many obstacles to developing a preventive diplomacy regime does not mean that ASEAN is unable to participate

in future operations associated with the practice, nor does it suggest that Southeast Asia will remain a region void of pro-active conflict prevention methodologies. In this case it is important to acknowledge how the organisation has already had the opportunity to play a mediating role in a process of conflict settlement in Cambodia in 1997, and how Indonesia has been able to participate in a similar role over a dispute concerning the Moro rebellion in the Philippines. The implication here is that while it may be appropriate to discount ASEAN's chances of establishing an elaborate preventive diplomacy regime (with provisions for fact-finding, early warning, institutionalised good offices, and preventive deployment), it would not be appropriate to discount the prospects for certain techniques of preventive diplomacy being practised at other levels. Whether it is a case of developing specific military confidence building measures at the sub-regional level, or a gesture to offer confidential mediation at the unilateral level, such developments are important for the strengthening of a regional conflict prevention political culture in Southeast Asia. Meanwhile the influence of international pressure along with a rapidly advancing global communication system will also facilitate the establishment of more effective conflict management efforts in the region. At a time when Southeast Asia faces a number of lingering disputes (most of them internal to a state and involving ethnic, religious and nationalistic tensions), the member states of ASEAN must come to realise the delicate linkage between domestic conflict and regional stability. The relative stagnant behaviour of ASEAN's conflict management process both at the intra-state and inter-state level shows us that its member states must develop some other measures that will complement the limitations of the 'ASEAN way'. It is time for the ASEAN members to be more open and forthright about the problems they have with each other, and about the problems associated with its regional conflict management apparatus.

CHAPTER SEVEN

A Conclusion to the Thesis

When research for this thesis began in late 1996, the region of Southeast Asia was relatively calm. With only a few intra-state disputes that were not covered frequently by the international media and the countries of the region enjoying a substantial degree of economic success, it was rather straightforward to begin an analysis into ASEAN with unqualified confidence. The region was in prosperity and the relatively stable regional security environment that had enabled this was correspondingly studied with substantial biases. In other words, upon taking this topic for research, initial analysis was supportive of the ASEAN style of regional conflict management, linking it to cultural and historical factors that have been valuable to its so-called success. In this way of thinking, ASEAN was to be acknowledged as the main regional organisation within the Southeast Asia (and indeed Asia-Pacific) with a particular methodology of inter-state conflict management that was appropriate to the distinct character of the region. In many aspects, ASEAN was to be confirmed as a regional security organisation that employed a relatively successful and pragmatic style of security co-operation arrangement. Its faults, if any, were to be justified.

In July 1997 however, Southeast Asia became gripped in a drastic economic crisis that eventually brought substantial political repercussions to the region. This had the effect of exposing ASEAN as an organisation with fundamental difficulties. With the floating of the Thai baht in 1997 and the subsequent depreciation of that currency followed by other regional currencies, Southeast Asia had plunged into a severe financial crisis that caused region-wide panic. The economic success that had been taken for granted by the many societies in this region had vanished, and the political leaders of such societies were beginning to experience substantial pressure to provide explanations and solutions. In the event, it was Indonesia that came to experience the most

political unrest, eventually culminating in the violence that preceded the resignation of President Suharto after thirty years of autocratic rule. What soon followed in that state had profound implications for ASEAN, and this is in particular reference to political transition in East Timor. The end of the Suharto era had brought along a noticeable power struggle within ASEAN's largest member state, thus exposing and adding to Jakarta's difficulties with a number of issues, none more pressing than the case of looming conflict in the province of East Timor. As previously mentioned, the crisis of East Timor represents perhaps the most important experience for ASEAN in regional conflict management in contemporary times. It revealed ASEAN to be a relatively ineffective regional organisation when it came to preventing an humanitarian crisis that was related to an intra-state conflict. At this point, the research for this analysis was given a clear incentive, if not direction.

The inability of ASEAN to act in the case of East Timor had shed light on a host of other conflicts in Southeast Asia which demanded attention. The protracted political and ethnic conflicts in Myanmar, the conflict between the Muslim minority in the southern Philippines and the government in Manila, the conflict within other Indonesian provinces, and the lingering dispute with Cambodia all had more or less been circumvented by ASEAN's security dialogue agenda. But to the extent that such cases brought with them human rights violations and humanitarian crises, it was questionable whether ASEAN could continue to consider them merely as an internal affair of a member state and thus off limits to institutional scrutiny. To remain committed to this perspective would not only ignore the possibility for such incidents to severely disrupt regional security, it would also confirm the idea that ASEAN was fully unable to alter its regional conflict management traditions to deal with increasingly complex cases of violent conflict in the international system. It was therefore time to consider ASEAN in light of its uselessness in conflict prevention and less of its accomplishments in diplomatic community building. In other words it was time to re-evaluate ASEAN's regional conflict machinery to see how it could be improved.

For this exercise, this thesis sought to investigate into the relationship between ASEAN and preventive diplomacy. After all, the organisation had already claimed preventive diplomacy to be one of its key objectives, particularly through its newly created forum for political and security co-operation, the ARF. The process of investigation and research for this analysis first took the form of several broad questions namely: what is preventive diplomacy?, how has it been practised?, has ASEAN had any past experiences with preventive diplomacy?, how has ASEAN currently approached preventive diplomacy?, and finally what are the reasons why ASEAN has had a problematic relationship with the term?

We thus began our analysis by reviewing the concept of preventive diplomacy, revealing that it should be viewed as an important initiative in international conflict management. To say the least, the increasing number of complex global conflicts within the past few years has called for more genuine efforts to thwart such costly episodes of violence. Whether it be a mass exodus of refugees fleeing from ethnic persecution or from authoritarian rule, there is much to be done for the United Nations and other related intergovernmental regional organisations in preventing such violent conflicts before they incur irreversible human suffering. Of course acknowledging the potential utility and relevance of preventive diplomacy is not enough. It is equally important to provide critical investigation into the functions of preventive diplomacy and how they can be approached by a number of organisations and institutions. But as mentioned in Chapter Two, because preventive diplomacy has been closely linked with the United Nations and since some of the more visible cases of unsuccessful conflict prevention operations in recent times have been those linked to the world organisation, a surge of alternative definitions of preventive diplomacy has subsequently taken place, producing many definitions that significantly vary in scope and purpose. For instance there are some definitions which advocate the use of diplomatic, political, economic and humanitarian action; others which argue for quiet and non-coercive action; and yet others which imply the participation of governments, multilateral organisations and international

agencies. The problem is that while the numerous definitions of preventive diplomacy make claims for an assortment of measures they rarely make a distinction between policies in the dimensions of conflict management or conflict resolution.

Given this predicament, we have made the point that it is essential when studying preventive diplomacy to acknowledge the important difference between 'long-term' and 'short-term' preventive diplomacy. If such a distinction is not made, then subsequent analyses into the dynamics of preventive diplomacy will prove difficult. In the event that preventive diplomacy concerns eliminating the sources of violent conflict, then the measures linked to this perspective can be categorised in the conflict resolution or long-term dimension. In the event that preventive diplomacy deals with thwarting the ways and means of violent conflict then they can be viewed within the conflict management or short-term dimension. The fundamental point is that both approaches should operate together in one comprehensive policy framework. In other words, if an intergovernmental organisation works with specific conflict management measures, then they should be complemented by a reciprocal collection of conflict resolution and peace-building measures. For the purpose of this analysis however, we have stipulated that the dimension of preventive diplomacy under review is at the short-term, where the fundamental goal is to thwart the emergence or escalation of violent conflict at the inter-state and intra-state level.

Our next course of action was to evaluate the above mentioned functions of preventive diplomacy and for this, Chapter Three provided a brief sampling of activity of early warning, the use of diplomatic good offices, confidence-building measures, and the use of preventive deployment units. We discovered how the function of early warning is essential to preventive diplomacy. After all, stopping wars before they start means learning about them before they take form. Many scholars and policy makers have contributed to the literature on early warning, thus revealing a plethora of techniques on data collection, analysis and processing. The ability to recognise the key indicators or triggers to impending

conflict situations is crucial in this respect. Drawing from several cases of missed opportunities in preventive diplomacy such as Kosovo and Rwanda, it has also been a trend for many observers to argue that the function of early warning will not prove useful unless accompanied by substantial political support or the will to respond to such looming crisis. There have been many cases where information concerning a looming conflict or humanitarian crisis was simply ignored or misinterpreted. But the question of political will to respond to a conflict situation must be considered in connection with the remaining functions of preventive diplomacy as well.

When preventive diplomacy involves thwarting the emergence of conflict, then the key activities include observing or studying the signs of conflict, foreseeing the progression of conflict, and then putting into place certain measures to forestall such anticipated violence. When preventive diplomacy concerns thwarting the escalation of violence, then the main activities are facilitating the acknowledgement of an arrangement of conflict settlement as an alternative, promoting the acceptance of process of conflict de-escalation, and then confirming or guaranteeing that such violence constraining mechanisms are put into place or carried out. With our brief sampling of the functions associated with our definition of preventive diplomacy in this chapter, we find that timing or the ability for them to be put into place promptly, is the fundamental priority. For this purpose, such activities of preventive diplomacy have to be prepared or organised in advance. To be prepared and well organised, there must exist a certain degree of political will. In the case of an intergovernmental organisation with a conflict management mandate, this entails the harnessing of adequate political support from the member states to develop such capabilities. The invariable point then is that it cannot be assumed that all intergovernmental organisations will readily be able to develop and sustain enough intra-mural political backing for these endeavours. Already, these basic observations foreshadowed how it may be problematic for an organisation such as ASEAN to work wholeheartedly with a preventive diplomacy agenda.

It was then the purpose of Chapter Four to see whether ASEAN has had a background in regional conflict prevention. If the organisation did have a strong background in this field, then it was to be assumed that attempting preventive diplomacy would not pose too difficult a task for ASEAN. If the organisation did not have a strong background, then it was important for us to consider that preventive diplomacy may be a policy option that would be out of ASEAN's range. Our analysis of ASEAN's conflict management period focused on two main events, the formation of ASEAN in 1967, and the impact of the Indochina conflict on ASEAN security co-operation. Not only did we find that ASEAN had a limited role in regional conflict prevention in the sense that it did not make room for any institutionalised mechanisms to prevent or settle conflict, but it also operated with a particular way to regional conflict management known as the 'ASEAN way'. A re-evaluation of the 'ASEAN way' had also enabled us to emphasise that it was an approach to regional diplomatic communication that had the primary purpose of sustaining a working (or indeed minimal) level of political co-operation between the member states.

In this section of the thesis, we discovered that ASEAN's conflict management process rested heavily on a system of consultative decision-making so that a consensus on political and security issues can be produced. The consensus approach implies that the decision-making process is conducted in such a way as to 'save face' and maintain progressive relations between the parties. When issues were controversial, they were not brought into the ASEAN agenda. Instead they were left to bilateral channels of diplomacy or other diplomatic activity outside of the ASEAN framework. Given this, it is possible to suggest that this approach has both a positive and a negative side in the process of conflict management. On the negative side, the approach tended to hide actual problems and disagreements, leaving them unmonitored and likely to resurface. On the positive side however, only decisions that will surely be ratified are carried forward, cultivating further the process of functional co-operation. However the distinguishing characteristics of this 'ASEAN way' was that it catered to conflict management only at the inter-state level. Its well embedded position within ASEAN philosophy was then considered as a possible

impediment to ASEAN taking on a preventive diplomacy agenda. With this forethought, we then proceeded to a review of ASEAN's current approach to regional conflict management. The main area of investigation here was to see whether ASEAN's post Cold War regional security design called for any major adaptations to the 'ASEAN way'.

It was intent of Chapter Five to study ASEAN's current approach to regional conflict management, especially the policy of constructive engagement and the creation of the ASEAN Regional Forum. It was argued that by looking at these two initiatives, it was possible to decipher how ASEAN has not been able to embrace the concept, let alone the practice of preventive diplomacy. This confirms our theoretical assumptions made in Chapters Three and Four. To add to this it was revealed that many in ASEAN were beginning to become accustomed to a unique definition of preventive diplomacy that had been conjured up by the ARF's Track Two meetings. According to this position, the conduct of preventive diplomacy should fully respect the principles of sovereign equality, political independence of states, territorial integrity, and non-interference in matters which are essentially within the domestic jurisdiction of any state. More specifically preventive diplomacy in this context was referred to as "consensual diplomatic and political action with the aim of preventing severe disputes and conflicts from arising between states which pose a serious threat to regional peace and stability, preventing such disputes and conflicts from escalating into armed confrontation, and limiting the intensity of violence and humanitarian problems resulting from such conflicts and preventing them from spreading geographically". It was an approach to preventive diplomacy that advocated diplomatic and peaceful methods such as quiet diplomacy, persuasion, negotiation, enquiry, mediation, and conciliation. But more importantly, it was an approach to preventive diplomacy that remained closely associated with the 'ASEAN way'.

Though a key development in ASEAN's Track Two process, there is still little guarantee that this definition will be official ASEAN doctrine once

proposed at the Track One level. There is little doubt also, that this interpretation has limited practical value. By not considering violence at the intra-state level as a subject of preventive diplomacy and by rejecting the use of any military measures, the ASEAN states will be more or less constrained to dialogue-based confidence building measures as the main feature of the organisations conflict prevention agenda. Staunch advocates of ASEAN and defenders of the traditions of Southeast Asian diplomacy may argue that the current 'ASEAN way' is a suitable process for the states of the region to interact with each other. There is no denying the value of the ASEAN approach to confidence building. It offers a way for states who have had little experience in co-operating with each other to develop a basic level of dialogue and interaction. However and most importantly, we cannot deny that there are limitations to this approach.

It was the purpose of Chapter Six to investigate the key reasons for ASEAN's inability to take on preventive diplomacy. We discovered here how developing such a pro-active stance on regional conflict prevention has not been favoured by all of ASEAN's members. The newest members (Myanmar, Vietnam, Cambodia, and Laos) particularly view the ASEAN policy of non-interference as an important character of the organisation. The fact that they and many of the original ASEAN states view regime security to be a important consideration is another incentive to uphold the principle of no-interference. But without making adequate political provisions for circumventing this principle, especially in the event of a humanitarian crisis resulting from an internal conflict situation, ASEAN may prove itself to be even more inconsequential in regional conflict management in the coming years ahead. We have also highlighted how there are also other strong diplomatic traditions operating within ASEAN that do not agree with several aspects of preventive diplomacy. The preference for quiet diplomacy, and the familiarity with bilateral diplomacy or extra-institutional venues to settle impending disputes, are just some of the processes that limit substantial collective initiative from ASEAN.

In addition we have mentioned how ASEAN's design for the ARF was that it should serve as a vehicle for ASEAN to be able to influence how the major powers interact within the region. This was to be done by ASEAN sitting at the helm of the ARF's agenda so that a pattern of political and security co-operation based on the organisation's diplomatic traditions could emerge. The salient point is that for ASEAN to achieve this, the members have considered it important to extend the organisation's way of regional confidence-building throughout the Asia-Pacific region, not reform it. So far this unobtrusive style of political and security dialogue has enjoyed active participation from the regions major powers. What we must also see is that the system does provide a way for such a diverse grouping of states to find common ground at the dialogue table. In this sense then, ASEAN has succeeded. It is understandable from the ASEAN position therefore, that any major reform to this arrangement (such as attempting to develop a comprehensive preventive diplomacy agenda) would ultimately prove counterproductive to ASEAN's intentions for the ARF. But as the crisis in East Timor has shown, ASEAN's confident positioning at the helm of the ARF has recently suffered a set back. The 'ASEAN way' is a one-dimensional approach to conflict management in a complex environment of regional diplomatic relations. For this, it needs to be complemented by more pro-active conflict prevention efforts within the region unattached to ASEAN institutional guidance. If it does not receive such support, then ASEAN's prominence as a diplomatic community will be weakened.

It is important to mention that the major portion of interviews mentioned in this thesis were conducted at the Sixth ARF ISG (ASEAN Regional Forum Inter-sessional Support Group) on Confidence Building Measures held in Bangkok, March 3-5, 1999, co-chaired by the United States and Thailand. (This Track One meeting of representatives from each ARF member government is held annually, and is responsible for setting the agenda for the subsequent ARF Ministerial Meeting.) Attendance at this meeting allowed for the observation of a growing sense of community between regional policy makers as part of the ARF. What was lacking however, was the attempt to explore any suggestions for institutional building in the ARF (such as allowing the ARF Secretariat to

consider the possibility of administering fact-finding or diplomatic observation missions). Much was said on the importance of CBM's and regional cooperation, but certain issues like the possibility of employing good offices in the case of the South China Sea conflict were avoided. Other issues such as the political violence in Myanmar (Burma), religious tensions in the Philippines, and the ethnic turmoil in Indonesia were also deliberately left off the agenda. It was also clear, from observing this meeting, that one of the ARF's main difficulties was that it included states of considerable cultural and political diversity. Given this, it is important to re-emphasise the notion that the ARF may be, at this juncture, an ineffective vehicle through which ASEAN can develop a preventive diplomacy agenda.

It is important to mention how during these interviews, preventive diplomacy seemed to be an elusive topic for many ASEAN policy makers. While it was common for regional governments to express a belief in regional conflict prevention, the delegates were not completely sure on what the practice of preventive diplomacy really meant. Perhaps the only clear point is that regional conflict prevention in the context of contemporary ASEAN thought, does not involve any considerations for preventing or containing violence at the intra-state level – this despite the fact the most of the current violence in the region stems from internal conflicts. For many of the policy makers that were interviewed, the understanding that ASEAN has been active in the area of confidence building occupies a key position in the belief that any other techniques of conflict and security management under this organisation will need time to develop. But the direction of this development is still unknown. The fact is that despite six years since the establishment of the ARF which saw ASEAN proclaiming the importance of preventive diplomacy, ASEAN still does not have an official definition or approach to the idea. So far ASEAN diplomats have been cautiously optimistic of how ASEAN can have an expanded role in regional security in the future, but they have also stopped short of indicating exactly how this was to be done.

The general belief, as expressed by policy makers at this meeting, was that preventive diplomacy or not, ASEAN will need to prove itself as an organisation that serves the interests of its member states. What the organisation can then be relied on for is the provision of an arena where confidence building measures are developed (both at the short-term and long-term level) as part of a comprehensive agenda for regional diplomatic community building. Though important, this is not enough to call ASEAN's efforts a pro-active initiative. It is also essential for the organisation's members to come to the realisation that if ASEAN cannot develop more proactive means of regional conflict prevention, especially when humanitarian crises are concerned, then there must be some other way for the members states of this region to contribute to a more effective way of regional conflict prevention. Even if it cannot be done through the hands of ASEAN, the developing states of Southeast Asia must bear the burden of preventing violent conflicts in their own hemisphere. Again it is a matter of political will.

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Appendix A

Treaty of Amity and Cooperation in Southeast Asia Indonesia, 24 February 1976

The High Contracting Parties :

CONSCIOUS of the existing ties of history, geography and culture, which have bound their peoples together;

ANXIOUS to promote regional peace and stability through abiding respect for justice and the rule of law and enhancing regional resilience in their relations;

DESIRING to enhance peace, friendship and mutual cooperation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November 1971;

CONVINCED that the settlement of differences or disputes between their countries should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder cooperation;

BELIEVING in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

SOLEMNLY AGREE to enter into a Treaty of Amity and Cooperation as follows:

CHAPTER I : PURPOSE AND PRINCIPLES

Article 1

The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship,

Article 2

In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles :

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
- b. The right of every State to lead its national existence free from external interference, subversion or coercion;
- c. Non-interference in the internal affairs of one another;

- d. Settlement of differences or disputes by peaceful means;
- e. Renunciation of the threat or use of force;
- f. Effective cooperation among themselves.

CHAPTER II : AMITY

Article 3

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 which bind them together and shall fulfil in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

CHAPTER III : COOPERATION

Article 4

The High Contracting Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspiration of international peace and stability in the region and all other matters of common interest.

Article 5

Pursuant to Article 4 the High Contracting Parties shall exert their maximum efforts multilaterally as well as bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6

The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organisations outside the region.

Article 7

The High Contracting Parties, in order to achieve social justice and to raise the standards of living of the peoples of the region, shall intensify economic cooperation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.

Article 8

The High Contracting Parties shall strive to achieve the closest cooperation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural, technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster cooperation in the furtherance of the cause of peace, harmony, and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views actions and policies.

Article 10

Each High Contracting Parties shall not in any manner of form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective national resilience in their political, economic, sociocultural as well as security fields in conformity with their respective ideals and aspirations, free from external interference as well as internal subversive activities in order to preserve their respective national identities.

Article 12

The High Contracting Parties in their efforts to achieve regional prosperity and security, shall endeavour to cooperate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect, cooperation of solidarity which will constitute the foundation for a strong and viable community of nations in Southeast Asia.

CHAPTER IV : PACIFIC SETTLEMENT OF DISPUTES

Article 13

The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Article 14

To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

Article 15

In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation, inquiry or conciliation. The High Council may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

Article 16

The foregoing provision of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to their application to that dispute. However, this shall not preclude the other High Contracting Parties not party to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be well disposed towards such offers of assistance.

Article 17

Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations.

CHAPTER V : General Provision

Article 18

This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified

in accordance with the constitutional procedures of each signatory State. *It shall be open* for accession by other States in Southeast Asia.

Article 19

This Treaty shall enter into force on the date of the deposit of the *fifth instrument of ratification* with the Governments of the signatory States which are designated Depositories of this Treaty and the instruments of ratification or accession.

Article 20

This Treaty is drawn up in the official languages of the High Contracting Parties, all of which are equally authoritative. There shall be an agreed common translation of the texts in the English language. Any divergent interpretation of the common text shall be settled by negotiation.

IN FAITH THEREOF the High Contracting Parties have signed the Treaty and have hereto affixed their Seals.

DONE at Denpasar, Bali, this twenty-fourth day of February in the year one thousand nine hundred and seventy-six.

* * *

Insights on the Articles of the Treaty of Amity and Cooperation

It is important to introduce the Treaty of Amity and Cooperation with a few insights. Many students of ASEAN security co-operation have made the point that the Treaty has never made use of its provision for conflict management, particularly Chapter IV on the 'Pacific Settlement of Disputes'. Another frequent observation is that the principals in Article 2 of the Treaty of Amity and cooperation limit ASEAN from taking on a more proactive conflict management character. It would be difficult to disagree with the idea that such aspects of the Treaty have a restricting influence on ASEAN's conflict prevention capabilities at the short-term level. However it is also important to pay attention to Chapter II and Chapter III of the Treaty where the main areas of focus are the spirit of amity and good neighbourliness among the ASEAN

members, and the identification of key areas for co-operation. The point here is that the articles in these Chapters can be seen as a framework of conflict prevention or preventive diplomacy at the long term level, where the objective is to promote working relations and extend functional co-operation among the signatories. A further review of these articles would reveal that although the goal of economic co-operation has been a dominant feature, this was not realised until much later in the organisation's history. Nevertheless ASEAN was able to build such economic, cultural, and social links, as discussed in Chapter Four of this thesis. It is also important to point out how Article 9 in Chapter III of the Treaty mentions that the ASEAN members "shall maintain regular contacts and consultations with one another on international and regional matters with a view to co-ordinating their views, actions and policies". This has since been recognised as a key feature of the 'ASEAN way'. It is also important to observe that The Treaty of Amity has become the key doctrine which informs the functioning of ASEAN Regional Forum - ASEAN's extended political and security forum for the Asia-Pacific which includes the ASEAN members (Cambodia, Myanmar, Vietnam, Laos, Thailand, Malaysia, Singapore, the Philippines, Brunei, and Indonesia), the USA, China, Japan, the Republic of Korea, Canada, Australia, New Zealand, the European Union, India, Mongolia, Papua New Guinea, and Russia.

Appendix B

ARF Chairman's Statements

Chairman's Statement The First ASEAN Regional Forum Bangkok, 25 July 1994

1. The First Meeting of the ASEAN Regional Forum (ARF) was held in Bangkok on 25 July 1994 in accordance with the 1992 Singapore Declaration of the Fourth ASEAN Summit, whereby the ASEAN Heads of State and Government proclaimed their intent to intensify ASEAN's external dialogues in political and security matters as a means of building cooperative ties with states in the Asia-Pacific region.

2. Attending the Meeting were the Foreign Ministers of ASEAN, ASEAN's Dialogue Partners, ASEAN's Consultative Partners, and ASEAN's Observers or their representatives. The Minister of Foreign Affairs of Thailand, served as Chairman of the Meeting.

3. Being the first time ever that high-ranking representatives from the majority of states in the Asia-Pacific region came to specifically discuss political and security cooperation issues, the Meeting was considered a historic event for the region. More importantly, the Meeting signified the opening of a new chapter of peace, stability and cooperation for Southeast Asia.

4. The participants of the Meeting held a productive exchange of views on the current political and security situation in the Asia-Pacific region, recognizing that developments in one part of the region could have an impact on the security of the region as whole. It was agreed that, as a high-level consultative forum, the ARF had enabled the countries in the Asia-Pacific region to foster the habit of constructive dialogue and consultation on political and security issues of common interest and concern. In this respect, the ARF would be in a position to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region.

5. Bearing in mind the importance of non-proliferation of nuclear weapons in the maintenance of international peace and security, the Meeting welcomed the continuation of US-DPRK negotiation and endorsed the early resumption of inter-Korean dialogue.

6. The Meeting agreed to:

convene the ARF on an annual basis and hold the second meeting in Brunei Darussalam in 1995; and

endorse the purposes and principles of ASEAN's Treaty of Amity and Cooperation in Southeast Asia, as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation.

7. The Meeting also agreed to entrust the next Chairman of the ARF Brunei Darussalam, working in consultation with ARF participants a appropriate, to:

collate and study all papers and ideas raised during the ARF Senior Officials Meeting and the ARF in Bangkok for submission to the second ARF through the second ARF-SOM, both of which to be held in Brunei Darussalam. Ideas which might be the subjects of such further study including confidence and security building, nuclear non-proliferation, peacekeeping cooperation

including regional peacekeeping training centre, exchanges of non classified military information, maritime security issues, and preventive diplomacy;

study the comprehensive concept of security, including its economic and social aspects, as it pertains to the Asia-Pacific region;

study other relevant internationally recognized norms and principles pertaining to international and regional political and security cooperation for their possible contribution to regional political and security cooperation;

promote the eventual participation of all ARF countries in the UN Conventional Arms Register; and

convene, if necessary, informal meetings of officials to study all relevant papers and suggestions to move the ARF process forward.

8. Recognizing the need to develop a more predictable constructive pattern of relationships for the Asia-Pacific region, the Meeting expressed its firm conviction to continue to work towards the strengths and the enhancement of political and security cooperation within the region as a means of ensuring a lasting peace, stability, and prosperity for the region and its peoples.

Note

ASEAN consists of Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, and Thailand. ASEAN's Dialogue Partners are: Australia, Canada, the European Union, Japan, New Zealand, Republic of Korea, and the United States. ASEAN's Consultative Partners are China and Russia. And, ASEAN's Observers are Laos, Papua New Guinea, and Vietnam.

Chairman's Statement The Second ASEAN Regional Forum Brunei Darussalam, 1 August 1995

1. The Second ASEAN Regional Forum (ARF) was held on 1 August 1995 in Bandar Seri Begawan. The Meeting was chaired by His Royal Highness Prince Mohamed Bolkiah, Minister of Foreign Affairs of Brunei Darussalam.

2. The Forum was attended by all ARF participants. The Secretary-General of ASEAN was also present.

3. The Ministers welcomed Cambodia to the ARF.

4. The Ministers expressed their satisfaction at the level of stability in the Asia Pacific Region. They noted the ways in which cooperative relationships were developing constructively. In this regard, the Ministers noted the many positive steps taken since the first ARF in Bangkok in July 1994, particularly those which built confidence and created greater transparency. In this respect, they noted the participants' willingness to address substantive security issues in a spirit of mutual respect, equality and cooperation.

5. The Ministers expressed their appreciation for the consultations conducted by the Chairman of ARF, Brunei Darussalam, with ARF participants to obtain their views in preparation for the ARF. Based on the inputs and proposals, ASEAN has produced "The ASEAN Regional Forum - A Concept Paper", as annexed.

6. The Ministers considered and endorsed the Report of the Chairman of the ARF-SOM. In

particular, they adopted the following proposals in the context of the Concept Paper:

A. GOALS AND EXPECTATIONS

- The ARF participants shall continue to work closely to ensure and preserve the current environment of peace, prosperity and stability in the Asia Pacific;
- The ARF shall continue to be a forum for open dialogue and consultation on regional political and security issues, to discuss and reconcile the differing views between ARF participants in order to reduce the risk to security; and
- The ARF recognises that the concept of comprehensive security includes not only military aspects but also political, economic, social and other issues.

B. METHOD AND APPROACH

- A successful-ARF requires the active, full and equal participation and cooperation of all participants. However, ASEAN undertakes the obligation to be the primary driving force;
- The ARF process shall move at a pace comfortable to all participants;
- The approach shall be evolutionary, taking place in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of approaches to conflicts. The ARF process is now at Stage I, and shall continue to discuss means of implementing confidence building. Stage II, particularly where the subject matter overlap, can proceed in tandem with Stage I. Discussions will continue regarding the incorporation of elaboration of approaches to conflicts, as an eventual goal, into the ARF process.
- Decisions of the ARF shall be made through consensus after careful and extensive consultations among all participants.

C. PARTICIPATION

- The participants of the ARF comprise ASEAN Member States, Observers, Consultative and Dialogue Partners of ASEAN. Any new application should be submitted to the Chairman of the ARF who will then consult the other ARF participants; and
- To request the next Chairman, to study the question of future participation and develop the criteria for the consideration of the Third ARF through the ARF-SOM.

D. ORGANISATION OF THE ARF

- There shall be an annual ARF in the context of the ASEAN Ministerial Meeting and Post Ministerial Conferences to be preceded by ARF-SOM;
- The ARF process would move along two tracks. Track one activities will be carried out by ARF governments. Track Two activities shall be carried out by strategic institutes and relevant non-governmental organisations to which all ARF participants should be eligible. To be meaningful and relevant, the ARF Chairman shall ensure that Track Two activities as indicated in Annex B result from full consultations with all ARF participants; and

- The ARF shall be apprised of all Track One and Track Two activities through the current Chairman of the ARF, who will be the main link between Track One and Track Two.

E. IMPLEMENTATION OF IDEAS AND PROPOSALS

- 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 as indicated in Annex A of the Concept Paper, the following shall be convened at the inter-governmental level:

Inter-sessional Support Group (ISG) on Confidence Building, in particular, dialogue on security perceptions and defence policy papers; and

Inter-sessional Meetings (ISMs) on Cooperative Activities including inter-alia, Peacekeeping.

- ISG and ISMs shall be governed the following by guidelines:
 - i. ISG and ISMs shall be co-chaired by ASEAN and non-ASEAN participants;
 - ii. ISG and ISMs shall be held in between ARF-SOMS; and
 - iii. Findings of the ISG and ISMs shall be presented to the ARF-SOM in Indonesia in 1996. The possible continuation of the mandate of the ISG and ISMs shall be reviewed at that time.

7. In this regard the Ministers agreed that Indonesia would co-chair the ISGs on CBMs with Japan; Malaysia would co-chair the ISMs on Peacekeeping Operations with Canada; and Singapore would co-chair the ISMs Seminar on Search and Rescue Coordination and Cooperation with the United States.

8. The Ministers also agreed on the following:

- to encourage all ARF countries to enhance their dialogues and consultations on political and security cooperation including exchanges on security perceptions on a bilateral, sub-regional and regional basis;
- for the ARF countries to submit to the ARF or ARF-SOM, on a voluntary basis, an annual statement of their defence policy;
- on the benefits of increased high level contacts and exchanges between military academies, staff colleges and training; and
- to take note of the increased participation in the UN conventional Arms Register since the first ARF and encourage those not yet participating to soon do so.

9. The Ministers expressed the view that their endorsement of such specific ideas and proposals provided sufficient direction for the ARF process at this stage. They also reaffirmed their belief that the Asia Pacific Region-currently had an historically unprecedented opportunity to establish and consolidate long term conditions for peace and stability.

10. The Ministers also received the reports of the following seminars on Building of Confidence and Trust in the Asia Pacific, held in November 1994 in Canberra, Australia; Seminar on Peacekeeping: Challenges and opportunities for the ASEAN Regional Forum, held in March 1995 in Bandar Seri Begawan, Brunei Darussalam ; Seminar on Preventive Diplomacy, held in May 1995, Seoul, Republic of Korea. They commended the hosts and sponsors of those seminars for their efforts and agreed that the arrangements under the Track Two process should continue. They also noted the Russian offer to host a Track Two seminar in Spring of 1996 on the proposed Principles of Security an Stability in the Asia-Pacific : Region. They also commended bilateral and multilateral, governmental and on-governmental consultations and seminars in the Asia -

Pacific region including the Indonesian Workshop (co-sponsored by Canada) series on Managing Potential Conflicts in the South China Sea as a useful means of enhancing dialogue and cooperation.

11. Noting the overall stable environment and many areas of ongoing regional cooperation, the Ministers exchanged views on regional security issues, and highlighted the following:

- expressed concern on overlapping sovereignty claims in the region. They encouraged all claimants to reaffirm their commitment to the principles contained in relevant international laws and convention, and the ASEAN's 1992 Declaration on the South China Sea;
- recognized that the Korean Peninsula issue has a direct bearing on peace and security in the Asia-Pacific. They welcomed the recent US-DPRK talks held in Kuala Lumpur and expressed the hope that this would lead to the full implementation of the Agreed Framework of 21 October 1994. The Ministers urged the resumption of dialogue between the Republic of Korea and the Democratic People's Republic of Korea and believed that it would assist in the successful implementation of the Agreed Framework and the maintenance of peace and stability on the Korean Peninsula. The ministers also recognised the importance which international support for the Korean Peninsula. The Ministers also recognised the importance which international support for the Korean Peninsula Energy Organisation (KEDO) has for the implementation of the Agreed Framework;
- expressed their support for the efforts of the Royal Government of Cambodia to achieve security, promote national stability and economic recovery; and
- emphasised the importance of non-proliferation of nuclear weapons in promoting regional peace and stability. They welcomed the commitment by all parties to the Non-Proliferation Treaty to conclude a Comprehensive Test Ban Treaty by 1996. Those countries who plan to conduct further nuclear tests were called upon by all other ARF member states to bring immediate end to such testing. They also endorsed the nuclear-weapon free zones, such as the South Pacific Nuclear Free Zone, in strengthening the international non-proliferation regime and expressed the hope that all nuclear weapon states would in the very near future adhere to the relevant Protocols. They noted with satisfaction the progress made towards the establishment of the South East Asia Nuclear Weapon Free Zone and encouraged further consultations on this issue with those states that would be significantly affected by the establishment of the zone.

**Chairman's Statement
The Third ASEAN Regional Forum
Jakarta, 23 July 1996**

1. The Third ASEAN Regional Forum was held in Jakarta on 23 July 1996. The Meeting was chaired by H.E. Mr. Ali Alatas, Minister for Foreign Affairs of the Republic of Indonesia.

2. The Meeting was attended by all ARF participants. The Secretary General of ASEAN was also present.

3. The Ministers recalled the decision of the Second ASEAN Regional Forum Ministerial Meeting in Brunei Darussalam in July 1995, requesting the Chairman of the ARF to study the question of future participation and to develop a set of criteria for such participation for the consideration of the Third ARF through the ARF-SOM.

4. The Meeting noted with appreciation the round of consultations made by the Chairman with the representatives of ARF participants to obtain their views on the matter. On the basis of the inputs and comments received, the Chairman had prepared a paper on criteria for participation in the ARF. In this regard, the Ministers considered the guiding principles and criteria suggested in the Chairman's Paper on Criteria for Participation in the ARF as recommended by the ARF-SOM and agreed on the following:

5. Guiding Principles

Any new participant must subscribe to and work cooperatively to help achieve ARF's key goals. As stated in the ARF Concept Paper (which was annexed to the Chairman's Statement of 1 August 1995), the main challenge of the ARF is to sustain and enhance the unprecedented period of peace and prosperity now enjoyed by the Asia-Pacific region. All participants should work to develop an agenda which focuses on the security concerns of the Asia-Pacific region.

The ARF should only admit participants that can directly affect the peace and security of the region on which the ARF shall focus its peace-building and peace making efforts. As the Asia-Pacific region could theoretically cover a large part of the world's surface (including the two American continents), it would be wise to spell out clearly the specific region - or the "geographical footprint" - that the ARF will concentrate on. It is clear that there is already an implicit consensus among ARF participants that this "geographical footprint" will cover all of East Asia, both Northeast and Southeast Asia, as well as Oceania. In the short term, it would not be wise to expand this geographical scope for the key ARF activities. (Some ARF activities, for example, Cooperation on Search and Rescue, will cover the larger Asia Pacific region and not just East Asia).

The ARF should expand carefully and cautiously. As the ARF process is barely three years old, it would be advisable to consolidate the ARF process before expanding it rapidly. Each new participant must be admitted on the firm understanding that its participation is necessary for the ARF to accomplish its key goals.

All questions regarding participation should be decided by consultations among all ARF participants. As stated in the Chairman's Statement of 1 August 1995, "A successful ARF requires the active, full and equal participation and cooperation of all participants. However, ASEAN undertakes the obligation to be the primary driving force". The following paragraph states "The ARF process shall move at a pace comfortable to all participants". These statements suggest that regarding ARF participation the ARF will have to take into consideration both the views of all the participants and the special needs and interests of the ASEAN States. Hence, all members of ASEAN shall automatically become participants of ARF. (Note: The founding fathers of ASEAN agreed in 1967 that ASEAN will eventually become a community of ten, encompassing all Southeast Asian States).

Criteria

Bearing these principles in mind, the ARF participants agree that the criteria for new participants should be as follows

i) Commitment	All new participants, who will all be sovereign states, must subscribe to, and work cooperatively to help achieve the ARF's key goals. Prior to their admission, all new participants should agree to abide by and respect fully the decisions and statements already made by the ARF. All ASEAN members are automatically participants of ARF.
ii) Relevance	A new participant should be admitted only if it can be demonstrated that it has an impact on the peace and security of the "geographical footprint" of key ARF activities (i.e. Northeast and Southeast Asia as well as Oceania).

iii) Gradual expansion	Efforts must be made to control the number of participants to a manageable level to ensure the effectiveness of the ARF.
iv) Consultations	All applications for participation should be submitted to the Chairman of the ARF, who will consult all the other ARF participants at the SOM and ascertain whether a consensus exists for the admission of the new participant. Actual decisions on participation will be approved by the Ministers.

The Ministers welcomed India and Myanmar joining the ARF as new participants and took note of their express commitment to help achieve the ARF's key goals and to abide by and respect fully the decisions and statements already made by the ARF.

6. The Meeting discussed a wide range of issues relevant to the question of peace and security of the Asia-Pacific region. In this context, they highlighted the following:

(i) The signing of the SEANWFZ Treaty by all Heads of Government of Southeast Asia countries in Bangkok in December 1995 signifies another important contribution of the countries of Southeast Asia to the strengths of the security in the region and to the maintenance of world peace and stability. This is consistent with the 1995 NPT Review welcoming the development of further nuclear weapons free zones.

(ii) Nuclear testing remains a concern in the region. The Meeting welcomed the end of nuclear testing in the South Pacific and confirmed their understanding that the Asia Pacific region would shortly be free of nuclear testing. The Meeting called upon all states participating in the Conference on Disarmament, in particular the nuclear weapons states, to conclude, as a task of the highest priority, a universal and multilaterally effectively verifiable comprehensive nuclear test ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects so as to enable its signature by the outset of the fifty-first session of the UNGA. The Meeting expressed the hope that the on-going negotiations in the Conference on Disarmament to be reconvened on 29 July 1996 would lead to a CTBT which would receive the support of all concerned parties.

(iii) With reference to the issue of the global elimination of anti-personnel mines, the Meeting welcomed the decisions of several states to impose moratoria and ban on the production, export and operational use of these weapons. The Meeting recognized the need, following conflict, for reinforcing international support for efforts to detect and remove landmines and to assist victims.

(iv) On the South China Sea, the Meeting welcomed the efforts by countries concerned to seek solutions by peaceful means in accordance with international law in general and with the United Nations Convention on the Law of the Sea of 1982 in particular. The Meeting also noted the positive contributions made by the Workshop Series on Managing Potential Conflicts in the South China Sea.

(v) Bearing in mind the importance of peace and security on the Korean Peninsula, the Meeting stressed the need to establish a peace mechanism and also emphasized that the 1953 Armistice Agreement until then should remain valid. The Meeting reiterated the importance of the resumption of dialogue between the Republic of Korea and the Democratic Peoples' Republic of Korea. The Meeting noted the importance of the Korean Peninsula Energy Development Organization (KEDO) and encouraged ARF participants to consider giving further financial and political support to KEDO.

The Ministers considered the Track One and Track Two activities since the Second ARF in Bandar Seri Begawan. The Ministers took note with appreciation of the Summary Reports of the Track-One activities presented by the respective co-chairmen of the activities, namely the meetings of the Inter-sessional Support Group (ISG) on Confidence Building Measures held in Tokyo on 18-19 January 1996 and in Jakarta on 15-16 April 1996, the Inter-sessional Meeting (ISM) on Peace Keeping Operations held in Kuala Lumpur on 1-3 April 1996 and the Inter-sessional Meeting (ISM) on Search and Rescue Cooperation and Coordination held in Honolulu on 4-7 March 1996.

Chairman's Statement
The Fourth Meeting of the ASEAN Regional Forum
Subang Jaya, 27 July 1997

1. The Fourth ASEAN Regional Forum was held in Subang Jaya, Malaysia on 27 July 1997. The Meeting was chaired by the Honourable Dato' Seri Abdullah Haji Ahmad Badawi, Minister of Foreign Affairs of Malaysia.

2. The Meeting was attended by all ARF participants. The Secretary General of ASEAN was also present. The List of Delegates is attached as Annex A

OVERVIEW OF THE ARF PROCESS

3. The Ministers noted that the ASEAN Regional Forum (ARF) has developed into an important forum for multilateral security dialogue and co-operation in the region. The process has progressed at a pace acceptable to all participants, enabling increasingly frank discussion of issues of common concern while encouraging habits of co-operation and instilling a pattern of constructive behaviour. It has played a positive role in enhancing mutual understanding and trust, promoting greater transparency as well as strengthening the commitment among participants to maintain peace and stability in the region. Recognising the diversity in the region, the Ministers reiterated the importance of maintaining the evolutionary approach adopted by the ARF process, and of taking decisions by consensus. The Ministers agreed that a strong foundation has been laid in dealing with future challenges facing the ARF. The Ministers noted that the informal discussions at the Retreat held in the course of the ARF SOM in Langkawi had enabled an open and in-depth discussions on the future direction and pace of the ARF. The Ministers also noted 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.

HIGHLIGHTS' OF ISSUES DISCUSSED

4. The Ministers discussed a wide range of issues relevant to the question of peace and security of the region. In this context, the Ministers highlighted the following :

(i) The overall security environment in the Asia Pacific region continues to improve. Notwithstanding the existence of certain challenges, the area remains stable and peaceful. Economic development has become the main focus of all countries. The spread of prosperity has laid a solid foundation for political stability in the region. Expanding regional economic interactions and increasing contacts among the people have woven a strong safety net for countries in the Asia Pacific. The emphasis on dialogue and co-operation is gaining momentum, and the trend is contributing to peace and security. The emerging sense of community and shared interests would stand the region in good stead in addressing the regional challenges;

(ii) The Ministers noted that a number of confidence building arrangements or agreements made over the years have exerted positive influence on the regional security situation. The Ministers encouraged ARF participants to continue pursuing bilateral and sub regional measures suited to their needs, and applicable to their specific conditions, to, advance mutual trust and confidence in a gradual and incremental manner;

(iii) The Ministers commended. the increasingly close co-operation and mutual assistance by countries in Southeast Asia in promoting a prosperous and peaceful community of nations, including ASEAN's efforts at constructive engagement with Myanmar. In this connection, they welcomed the positive role played by the Association of Southeast Asian Nations in enhancing regional peace and stability. The expansion of ASEAN membership contributes to these objectives;

(iv) The Ministers underlined the importance of the development of positive relations, particularly among the major countries in Asia Pacific - China, Japan the Russian Federation and the United States, in sustaining stability in the region. The Ministers, in welcoming the active,

full and equal participation and co-operation of all participants for a successful ARF, recognised that ASEAN continues to undertake the obligation to be the primary driving force;

(v) The Ministers welcomed the entry into force, on 27 March 1997, of the SEANWFZ Treaty which represents an important effort of Southeast Asian states towards strengthening the security in the region and towards the establishment of nuclear-weapon-free zones globally. In this connection, the Ministers welcomed the ongoing consultations between State Parties to the Treaty and the Nuclear Weapon States to facilitate accession by the latter to the Protocol of the SEANWFZ Treaty;

(vi) The ministers welcomed the entry into force of the Chemical Weapons Convention which provides for a verifiable global ban on chemical weapons. The Ministers called on all states which have not ratified the Convention to do so. The Ministers expressed the hope that progress would be made in the work on the protocol dealing with compliance and verification of the Biological Weapons Convention;

(vii) The Ministers took note that negotiations on a comprehensive treaty banning the use, production, transfer and stockpiling of anti personnel-mines will take place in Oslo in September 1997 with the intention of signing such a Treaty in Ottawa in December 1997. The Ministers also took note that the Conference on Disarmament has appointed a Special Coordinator for the issue of anti personnel landmines in an effort to find a solution to the problem. The Ministers agreed to support efforts in demining and in the removal of unexploded ordnances as well as the rehabilitation of the victims;

(viii) The Ministers welcomed the overwhelming adoption of the CTBT which constitutes an important step in prohibiting nuclear test explosions and therefore to the enhancement of international peace and security;

(ix) The Ministers emphasised that an approach to non-proliferation which is universal, comprehensive and non-discriminatory is urgently needed if the international community is to achieve the objective of comprehensive nuclear non proliferation. The Ministers reiterated their determination to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects, and urged the Nuclear Weapon States to pursue vigorously negotiations on effective measures relating to nuclear disarmament with the ultimate objective of eliminating nuclear weapons;

(x) Taking into account the Final Document of the Tenth Special Session of the General Assembly, the First Special Session of the UN General Assembly devoted to disarmament under strict and effective international control, the Ministers stressed the importance of UNGA resolution A/Res/51/54 of 1996 which, inter alia, decided to convene its Fourth Special Session devoted to disarmament in 1999, subject to the emergence of a consensus on its objective and agendas;

(xi) On the South China Sea, the Ministers welcomed the efforts by countries concerned to seek solutions by peaceful means in accordance with international law, the UNGLOS, and the exercise of self restraint, in the interest of maintaining peace and stability in the region. The Ministers also noted the positive contributions made by the Workshop on Managing Potential Conflicts in South China Sea;

(xii) The Ministers expressed concern over the latest developments on the situation in Cambodia. They took note of assurances given by H.E. Ung Huot, Minister of Foreign Affairs of the Kingdom of Cambodia that Cambodia welcomed ASEAN's role in helping restore political stability in Cambodia. They supported ASEAN's initiative in this regard;

(xiii) Bearing in mind the importance of peace and security in the Korean Peninsula, the Ministers reaffirmed the importance of maintaining the 1953 Armistice Agreement until a permanent peace regime is in place. The Ministers expressed their concern, over the impact of the food shortage in the DPRK on the security and the well being of the people. The Ministers welcomed the recent developments on the proposed four party talks which could paved the way to a permanent peace on the Peninsula. The Ministers also welcomed the progress made by the

Korean Peninsula Energy Development Organisation (KEDO) in implementing the Agreed Framework of 1994 and reaffirmed continued support of the ARF to KEDO;

(xiv) The Ministers discussed the transboundary movement of nuclear waste in the region. They emphasised that such transfer of nuclear waste should conform to the existing international safety standards and norms and that the international community should make all efforts to prohibit the export of nuclear waste to those countries which do not have appropriate waste treatment and storage facilities.

REPORTS OF TRACK I & II ACTIVITIES FOR THE CURRENT INTER-SESSIONAL YEAR (JULY 1996 - JULY 1997)

Track I Activities

5. The Ministers noted with appreciation the Reports of the Track I activities presented by the respective Co-Chairmen of the activities, namely the Intersessional Meeting on Disaster Relief held in Wellington on 19-20 February 1997; the Inter-sessional Support Group on Confidence Building Measures held in Beijing on 6-8 March 1997; the Inter-sessional Meetings on Search and Rescue Co-ordination and Co-operation held in Singapore on 26-28 March 1997; the Report of the Co-Chairmen of the ISM on Peacekeeping Operations including the Regional Workshop on Train the Trainers held in Kuala Lumpur on 10-14 March 1997 and the Seminar on Demining held in Palmerston North on 7-11 April 1997:

5.1 Inter-sessional Meeting on Disaster Relief

The Ministers recognised the benefits of the First Meeting of the ISM on Disaster Relief as a valuable confidence building measure for the ARF as well as its possible contribution towards the wider objective of enhancing co-operation in the Asia Pacific region. The Ministers agreed that continuation of the ISM on Disaster Relief for another year would further contribute towards the development of the ARF. The Ministers endorsed the list of recommendations of the First Meeting of the ISM on Disaster Relief which appears as Annex B.

5.2 The Inter-sessional Support Group on Confidence Building Measures

The Ministers noted the frank but cordial discussions at the ISG on CBMS, inter alia on the regional security environment and security perceptions, regional confidence building activities, defense policies and the comprehensive nature of security. The Ministers stressed the importance of consultation and dialogue in enhancing understanding and trust among the ARF participants and in maintaining regional stability. In this context, the Ministers recognised that the ISG on CBMs had marked a step forward in the discussions of the ARF. The Ministers also welcomed the offer by China to compile papers on CBMs submitted by ARF participants as well as the offer by the Philippines to host a Meeting of the heads of national defense college or equivalent institutions on 6-9 October, 1997. The Ministers noted new elements proposed for the work of the ISG particularly possible areas of maritime security. The Ministers endorsed the list of recommendations which appears as Annex C.

5.3. Inter-Sessional Meeting on Search and Rescue Co-ordination and Co-operation

The Ministers endorsed the Report of the Second ISM on SAR and, in particular, the List of Principles and Objectives for Search and Rescue Co-operation and Co-ordination which appears as Annex D.

5.4 Inter-Sessional Meeting on Peacekeeping Operations

The Ministers endorsed the Report of the Co-Chairmen of the ISM on Peacekeeping Operations which appears as Annex E. The Ministers also took note of the Report of the Workshop on Train the Trainers and the Seminar on Demining which were convened to implement the specific recommendations of the ISM on PKO and endorsed the recommendations of the Workshop and Seminar which appear as Annex F and Annex G with the understanding that these activities could proceed without the formal extension of the ISM on PKO.

Track II Activities

6. The Ministers took note of the written Reports prepared by the Chairmen of the Track II Seminars, namely on Preventive Diplomacy convened in Paris in November 1996, co-sponsored by l Institute Francais des Relations Internationates and the Centre for Strategic and International Studies (CSIS) of Indonesia and on Non-Proliferation convened in Jakarta in December 1996, co-sponsored by CSIS of Indonesia, Stiftung Wissenschaft und Politik of Germany and Australian National University which appear as Annex H and Annex I respectively.

PROGRAMME OF WORK FOR THE NEXT INTER-SESSIONAL YEAR (JULY 1997-JULY 1998)

Track I Activities

7. Pursuant to the recommendation of the ISM on Disaster Relief, the Ministers agreed that this ISM continue to be co-chaired by New Zealand and Thailand for another year. The Ministers welcomed the offer of Thailand to host the next ISM on Disaster Relief in early 1998. Similarly, the Ministers agreed to extend the ISG on CBMs for another year and welcomed the offer of Brunei Darussalam and Australia to co-chaired the next ISG on CBMS. On the ISM for SAR, the Ministers welcomed the offer of Singapore to conduct an annual SAR Training Course for ARF participants, and to convene a SAR Conference in December 1997 for SAR planners and officials. In the area of PKO, the Ministers welcomed the offer by European Union to host a follow-up Workshop on Approaches to Training for Peacekeeping Operations in Ireland in the first half of 1998.

8. In agreeing to the extension of the mandate of the various inter-sessional activities, the Ministers directed that each ISM/ISG undertake a comprehensive review of all proposals which have been agreed upon but had not been implemented to date.

Track II Activities

9. The Ministers welcomed the proposal for a Track II Seminar on Preventive Diplomacy to be co-sponsored by the Institute of Defense and Strategic Studies of Singapore, Institute of International Affairs of Singapore and the International Institute of Strategic Studies of the United Kingdom to be held in Singapore, 9 - 11 September 1997.

Other Issues

10. Recalling the decision of the 3rd ARF that the 4th ARF consider the question of drug trafficking and other related transnational issues such as economic crimes, including money laundering, the Ministers agreed that such issues would be more appropriately addressed, at this time, at the ASEAN Post Ministerial Conferences.

11. The Ministers noted the continuing interests shown by a number of countries to participate In the ARF. In this regard, the Ministers agreed that the next ARF SOM begin consideration of the applications on the basis of the guiding principles and criteria agreed to at the 3rd ARF.

FUTURE DIRECTION OF THE ARF PROCESS

12. The Ministers agreed that the evolutionary approach to the development of the ARF process and the practice of taking decisions by consensus shall be maintained, taking into consideration the interests of all ARF participants and, at the same time, demonstrating the continued consolidation of the process through increased activities in relevant areas.

13. The Ministers held a useful exchange of views on the future direction of the ARF process and in this connection, on the relationship between confidence building and preventive diplomacy. It recalled that the 2nd ARF had agreed that where subject matters at Stage I and Stage II overlap, such matters can proceed in tandem with Stage I. The Ministers agreed to request the ISG on CBMs to identify such matters and ways and means of addressing them while maintaining the focus on CBMS.

In this connection, the Ministers endorsed the proposals made by the Track-One Activities which appear in their respective Summary Reports as follows:

The Inter-Sessional Support Group on Confidence Building Measures

Dialogue on Security Perceptions

Dialogue on security perceptions should be continued within the ARF process, including at inter-sessional meetings.

Information-sharing on dialogue and other activities of the ARF participants should be continued on the basis of papers voluntarily submitted by participants. Such papers could also cover defence contacts and exchange programmes undertaken by the participants.

Defence Policy Publication :

The ARF participants are further encouraged to submit annually a defence policy statement to the ARF SOM on a voluntary basis. Regular publication of defence white papers or similar papers would also be welcomed.

Exchanges of views on the information provided in such statements and papers should be encouraged in future ARF dialogues.

Enhancing High-level Defence Contacts and Exchanges among Defence Staff Colleges and Training.

ARF SOM is open to defence representatives and encourages their greater participation in inter-sessional activities.

The ARF participants should be encouraged to submit papers on their defence contacts and other exchange programmes to the ARF SOM. Such papers could cover security dialogues and other activities they undertake.

The ARF participants should be encouraged to conduct exchanges among national defence colleges, including information sharing and personnel exchanges, and to convene a meeting of heads of national defence colleges or equivalent to this end;

The UN Register of Conventional Arms (UNRCA)

The discussions on the UN Register within the ARF framework should be continued, with a view to enhancing security in the region;

The ARF participants should be encouraged to circulate on a voluntary basis the same data to the ARF countries at the time of its submission to the UN, while avoiding unnecessary administrative duplication;

The ARF participants should be encouraged to work together within the UN to promote more global participation in the UN Register.

Additional Confidence Building Measures

completing and maintaining a current list of ARF contact points;

exchanging information on the role of defence authorities in

disaster relief, and considering the convening of an inter-sessional meeting on this matter;

exchanging information on a voluntary basis on some of the on-going observer participation in and on-going notification of military exercises among ARF participants with a view to discussing the possibilities of such measures in selected exercises;

encouraging the participants to support actively internationally recognized global arms control and disarmament legal agreements, specifically Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC), the Biological Weapons Convention (BWC) and the Convention on Certain Conventional Weapons (CCW) and the successful conclusion of CTBT.

The ISG on CBMs should continue its activities for another year in order to review the implementation of CBMs to be approved by the Third ARF Ministerial Meeting, and to further discuss measures to be promoted in the future, with particular emphasis on proposals identified in the summary Report (ANNEX D).

The Inter-Sessional Meeting (ISND on Search and Rescue Coordination and Cooperation

A meeting of SAR experts and officials who are familiar with the ARF process should be convened to further discuss and explore cooperation in the following areas:

The increased sharing of training facilities and expertise in the region to enhance the capabilities of SAR personnel.

Further cooperation between training institutions and the facilitation of a greater flow of information, for example, with the establishment of a directory of training courses.

Movements towards standardization of SAR manuals, training and procedures.

Possible increased practical training and exercises such as attaching SAR personnel to the Rescue Coordination Centers (RCCS) of other countries for on-the-job training and experience; training of personnel other than SAR Mission Coordinators (SMCS) such as pilots and medical personnel involved in SAR; conducting paper and field exercises; and exploring the possibility of establishing an internet web site between RCCS.

The Inter-Sessional Meeting (ISM) on Peacekeeping Operations

Current Status of United Nations Peacekeeping Operations

ARF participants work together more closely within the ARF context and also in the United Nations Special Committee on Peace Keeping Operations as part of an ongoing dialogue to exchange views and experiences on UN Peacekeeping Operations.

ARF participants are encouraged to become Parties to the Convention on the Safety of United Nations and Associated Personnel.

ARF participants endeavour to pay their assessed contributions to peace keeping operations on time, in full and without conditions.

Training for Peace Support Operations

- ARF participants promote greater sharing of peace keeping experience and expertise among ARF participants voluntarily through, inter-alia:

- holding training courses on specialized peacekeeping topics;

- sharing curricula and course information;

- developing a roster of peacekeeping trainers;

- offering available places in national training programmes to other ARF participants;

- assisting where possible in financing of peacekeeping training;

- fostering cooperation among national peace keeping training centers.

ARF participants use United Nations training manuals and materials as the basis of their training programmes for national contributions to UN peacekeeping operations.

ARF participants are encouraged to support the peacekeeping capacity of the UN through loan of military and civilian personnel and through other bilateral arrangements.

Stand-by Arrangements

ARF participants work closely, according to their capabilities, with UNDPKO to reinforce the ability of the UN to respond effectively and rapidly to crisis situations.

ARF participants consider, where possible, taking part in the Standby Arrangements in order to facilitate the planning and deployment of UN peacekeeping

Pursuant to the relevant recommendations of the ISG on CBMS, the Ministers agreed that the ISG on CBMs continue its activities for another year and an ISM on Disaster Relief be convened. Similarly, the ISM on Search and Rescue Coordination and Cooperation should continue its activities for one more meeting, attended by SAR experts and officials who are familiar with the ARF process, to be convened in Singapore in the first half of 1997 and remain co-chaired by the present co-chairmen namely Singapore and the United States.

The Ministers also agreed that the ISM on Peacekeeping Operations co-chaired by Canada and Malaysia continue to function for another year to coordinate the implementation of the specific recommendations adopted by this ISM, including the convening of a regional "Train the Trainers" Workshop in Kuala Lumpur and the conducting of a course on demining. New Zealand has offered to host the course on demining.

The Ministers welcomed the offers made by China and the Philippines to co-host the ISG on CBMs in Beijing in early March 1997 and by Thailand and New Zealand to co-host the ISM on Disaster Relief.

Pursuant to the decision of the Second ARF Ministerial Meeting, the Ministers noted with appreciation that a number of participants had submitted defence policy statements or defence policy papers.

The Ministers took note of the report presented by the Chairman of the Track Two Seminar on Principles of Security and Stability in the Asia Pacific held in Moscow on 23-24 April 1996. The Ministers observed that the Seminar had been useful, particularly in promoting better understanding of the respective values and aspirations of the participants with regard to security and stability in the Asia Pacific and agreed that the dialogue on the matter should continue.

The Ministers also noted the EU proposals: a Track Two Seminar on Nonproliferation to be co-sponsored by the Centre for Strategic and International Studies (CSIS) of Indonesia and Stiftung Wissenschaft und Politik (SWP) of Germany and the Peace Research Centre, Australian National University (ANU) of Australia in Jakarta on 6-7 December 1996; a Track Two Seminar on Preventive Diplomacy to be co-sponsored by L'Institut Francais des Relations Internationales (IFRI) and the Centre for Strategic and International Studies (CSIS) of Indonesia in Paris on 7 - 8 November 1996.

With a view to assisting ARF participants in preparing their human resources for ARF activities, the Ministers agreed that, in principle, Track One activities be carried out in the first half of the calendar year while Track Two activities in the second half of the calendar year.

The Minister is also agreed to consider at the next ARF Meetings the question of drug trafficking and other related trans-national issues such as economic crimes, including money laundering, which could constitute threats to the security of the countries of the region.

It was noted that the discussions throughout the Meeting remained positive, although there was some divergence of views on the subjects discussed. The participants were open and candid in expressing their views but this did not generate tension or dissension in the room. Instead, there was a tendency towards creating a harmonious environment. This positive mood demonstrated that the overall trend remains encouraging.

The participants also displayed a high degree of comfort in their interactions with each other. The ARF is still a fairly young process. Its success was never pre-ordained. It is therefore worth noting that the increasing comfort level among the participants at the Third ARF demonstrates that the ARF is progressing at a good pace. Future meetings should try to build upon this demonstrated base of friendly and frank discussions among the participants as this will in turn pave the way for agreements on substantive issues in the coming years.

Chairman's Statement
The Fifth Meeting of the ASEAN Regional Forum
Manila, 27 July 1998

1. The Fifth ASEAN Regional Forum convened in Manila on 27 July 1998. The Meeting was chaired by H.E. Domingo L. Siazon, Jr., Secretary of Foreign Affairs of the Philippines. The Meeting was attended by all ARF participants, including the Secretary General of ASEAN. The List of Delegates is attached as Annex A.

ARF Membership

2. The Ministers considered the results of the consultations conducted by the Chairman and the recommendations of the ARF Senior Officials Meeting in Manila on 20-22 May 1998 on the interest by a number of countries to participate in the ARF.

3. Having been guided by the principles and criteria of commitment and geographic relevance agreed to at the Third ARF on the admission of new participants, the Ministers welcomed Mongolia as a new participant in the ARF. The Ministers also welcomed Mongolia's commitment to help achieve the ARF's key goals and to fully abide by and respect the decisions and statements already made by the ARF.

4. With the addition of Mongolia in the ARF, the Ministers agreed to allow the ARF to consolidate as a group and to develop an efficient process of cooperation.

Overview of the ARF Process

5. The Ministers expressed satisfaction on the continued development of the ARF as an important forum for dialogue on political and security concerns in the region. The Ministers recognized the significant contribution of the ARF to the establishment of a strong foundation of trust and confidence among its participants, which would be essential in confronting the existing uncertainties in the Asia-Pacific region. The Ministers noted that the ARF process had contributed to the achievement of greater transparency and mutual understanding in the region, which had instilled among its participants a high sense of collective commitment to regional peace and stability. The Ministers agreed that the ARF should continue its steady progress to successfully carry through its goals in the face of even greater challenges in the future. The Ministers agreed that the full support of all ARF participants to the ARF's evolutionary, step-by-step development and its approach to decision-making by consensus had contributed to the ARF's resiliency as a viable regional forum for political and security dialogue, encouraged open and frank discussions among ARF participants, and fostered the habit of cooperation and of resolutely working together to address common concerns. The Ministers recognized that the ARF had been living up to its potential and to the important role it had been envisioned to play in further strengthening the foundations for regional peace and stability. The Ministers commended ASEAN for its important contribution to the ARF process and expressed their support to ASEAN's continuing role as the primary driving force of the ARF.

6. The Ministers noted the positive outcome of the informal gathering at lunch of senior defense and military officials in Langkawi in 1997 and welcomed the continuation of this practice at the ARF Ministerial Meeting. The Ministers recognized that defence and military officials had a constructive contribution to the work and activities of the ARF and encouraged greater interaction and networking among these officials in the ARF. In this regard, the Ministers encouraged the active participation of defense and military officials at appropriate levels in all relevant ARF activities.

7. The Ministers noted that the ARF had maintained its approach to security concerns in a comprehensive manner. They welcomed the fact that while the focus of the ARF was on core military and defense-related issues, the ARF also addressed non-military issues, which would have a significant impact on regional security.

8. The Ministers expressed satisfaction on the progress in developing a range of regional, sub-regional and bilateral exchanges on regional security perceptions. The Ministers noted that these exchanges had also encouraged a rapid increase in the number of bilateral regional security dialogues between ARF participants. The Ministers emphasized the importance of exchanges on regional security perceptions in the overall objectives of the ARF and agreed that these should continue at the Intersessional Support Group on Confidence Building Measures, at the ARF SOM, and at the annual meeting of the Ministers. At the sub-regional level, the Ministers welcomed the Agreements on Confidence Building reached among China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan and between China and India. The Ministers also welcomed the regular security dialogues in various ASEAN meetings and among Northeast Asian countries at various Track II forums. The Ministers also noted with appreciation the security dialogue that takes place in CSCAP and other non-ARF Track II forums.

Review of the Regional Security Environment and Exchange of Views on Security Perceptions

9. The Ministers conducted an extensive discussion and exchange of views on security perceptions and on a wide range of issues on the regional security environment.

10. The Ministers expressed the view that the region had continued to benefit from peace and stability in spite of the current regional economic slowdown and the presence of potential sources of conflict. The Ministers noted that increased interaction and dialogue as well as enhanced cooperation among the countries in the region had contributed to the present favorable security situation. The Ministers believed that the security outlook in the region remained positive as this was underpinned by the relative economic growth of the countries in the region, the increasing trade and investments links and high levels of economic interdependency among them.

11. The Ministers discussed extensively the prevailing financial situation in the region. They were encouraged by initial signs of progress toward financial stability in the Asian region. The Ministers welcomed the various individual, bilateral, regional and multilateral measures that were undertaken to restore financial stability. They reaffirmed their support for the Manila Framework, which emphasizes a shared global responsibility in restoring stability in the region. The Ministers noted the constructive role of inter-national financial Institutions in restoring this stability and agreed on the need to support efforts to strengthen the international monetary system. They expressed optimism that, as the affected economies implement the necessary structural reforms, confidence would increasingly return. The Ministers expressed full confidence that the economies of East Asia would eventually regain their position as among the fastest-growing economies in the world. Noting the interdependence among Asian economies, they welcomed the assurances of Japan that it will revitalize its economy as well as the assurances of China that the value of the yuan will be maintained.

12. While recognizing the need for structural reforms in restoring confidence, the Ministers called for a balanced approach in addressing the socioeconomic impact of such reforms, particularly its impact on the less privileged sectors of society. They noted that certain aspects of the regional financial crisis could impact on the peace and security of the region and agreed that the ARF would have an important role to play in addressing these effects. The Ministers agreed that the current Asian economic difficulties should not undermine the process of ARF and other regional security dialogues and cooperation.

13. The Ministers underlined the fact that the state of relations among the major powers would always have a significant impact on the region as a whole. The Ministers stressed that it would be important for these countries to stay the course of constructive relationship among them. In this regard, the Ministers welcomed the efforts that had been undertaken to develop constructive strategic relationships among the major powers through exchange of visits and regular meetings between and among their respective Heads of State/Government. The Ministers also welcomed other bilateral meetings between the Heads of State/Government of ARF countries and the summit meetings held between the Heads of State/Government of ASEAN and the Heads of State/Government of China, Japan, and the Republic of Korea in Kuala Lumpur on 14-16 December 1997. The Ministers noted that these meetings would have long-lasting positive impact on the stability and economic development of the region.

14. The Ministers welcomed the resumption of official dialogue between South and North Korea in Beijing and the launching of the Four-Party Talks Peace Process on the Korean Peninsula in Geneva. The Ministers emphasized the vital importance of the inter-Korean dialogue in promoting reconciliation and cooperation between the two Koreas. The Ministers also reaffirmed the importance of observing the 1953 Armistice Agreement. The Ministers reiterated their full and continued support for the talks and the KEDO project to help establish a durable peace and stability on the Korean Peninsula and promote global nuclear non-proliferation. In view of the current financial difficulties that the KEDO is facing, the Ministers called for more international contribution to this organization.

15. The Ministers welcomed the commitment of all the countries concerned to the peaceful settlement of the dispute on the South China Sea, in accordance with the recognized principles of international law, including the UNCLOS. The Ministers expressed satisfaction on the continued exercise of self-restraint by all the Countries concerned and noted the positive contributions made by the bilateral consultations between the countries concerned, the dialogue in the ASEAN-China Senior Officials Consultations, the regular exchange of views in the ARF, and the continuing work of the Informal Workshop on Managing Potential Conflicts in the South China Sea.

16. The Ministers declared ARF's strong support for the efforts of ASEAN and the "Friends of Cambodia" in helping restore political stability and the climate of peace in Cambodia. They agreed that the holding of free, fair and credible elections was an important step towards enhancing peace and stability in Cambodia. The Ministers welcomed the huge voter turn-out in the 26 July 1998 elections and the initial reports that the voting process was generally peaceful. They expressed the hope that the next stages of counting ballots and the proclamation of the winners would also be peaceful and orderly. In this regard, they acknowledged the work of international observers who monitored the electoral process under United Nations' coordination.

17. The Ministers noted with appreciation the conclusion of the Ottawa Convention on Anti-Personnel Mines to ban the use, stockpile, production, and transfer of anti-personnel mines and for their destruction. The Ministers also welcomed the decision of the Conference on Disarmament to re-appoint a Special Coordinator on landmines and efforts to bring into force the Convention on Conventional Weapons (CCW) amended mines protocol (Protocol II). They also agreed to support initiatives to enhance international cooperation on demining, removal of unexploded ordnances, and victims' assistance toward the goal of "zero victims". The Ministers also welcomed offers by some ARF countries to provide training assistance on mine clearance.

18. The Ministers supported efforts to establish nuclear weapons free zones and noted the importance of the Treaty on Southeast Asia Nuclear Weapons Free Zone in enhancing peace and security in the region. The Ministers welcomed the continuing consultations between the States Parties to the SEANWFZ Treaty and the nuclear weapon states and expressed the hope that the accession of the latter to the Protocol of the Treaty could be facilitated.

19. The Ministers commended the good progress that has been made in the first year of the implementation of the Chemical Weapons Convention and called on all states which have not ratified or acceded to the Convention to do so. The Ministers expressed hope that progress would be made in the work on the protocol dealing with compliance and verification of the Biological Weapons Convention. They also urged the Ad Hoc Group of States Parties to the BWC to intensify and complete its work as soon as possible before the commencement of the Fifth Review Conference. To this end, the Ministers also welcomed efforts to give impetus and support to the Ad Hoc Group negotiations.

20. The Ministers welcomed the growing number of signatures and ratification of the CTBT, especially the ratification of the UK and France. The Ministers called for the immediate commencement of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons purposes. The Ministers also called on the nuclear weapon states to make further efforts towards achieving the ultimate objective of eliminating nuclear weapons.

21. The Ministers recalled that as early as 1995 the ARF put emphasis on the importance of non-proliferation of nuclear weapons in promoting regional peace and security. They also noted that the ARF subsequently welcomed the overwhelming adoption of the CTBT as an important step in prohibiting nuclear test explosions and stressed its determination to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects. In this connection, the Ministers recalled the United Nations Security Council Resolution 1172 issued on 6 June 1998. The Ministers, therefore, expressed grave concern over and strongly deplored the recent nuclear tests in South Asia, which exacerbated tension in the region and raised the specter of a nuclear arms race. They called for the total cessation of such testing and urged the countries concerned to sign the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty without delay, conditions, or reservations. They asked the countries concerned to refrain from undertaking weaponization or deploying missiles to deliver nuclear weapons, and to prevent any transfer of nuclear weapon-related materials, technology and equipment to third countries. In the interest of peace and security in the region, the Ministers called on the countries concerned to resolve their dispute and security concerns through peaceful dialogue.

22. The Ministers noted the signing of the Second Protocol to the Treaty of Amity and Cooperation in Southeast Asia by the High Contracting Parties at the 31st ASEAN Ministerial Meeting in Manila on 25 July 1998 and agreed to consider the call of the TAC High Contracting

Parties for non-Southeast Asian states, particularly the major powers, to accede to the Treaty after the Second Protocol enters into force.

Reports of Track I and H Activities for the Current Inter-sessional Year (July 1997-July 1998)
Track I Activities

23. The Ministers noted the Co-Chairmen's Report of the Inter-sessional Meeting on Disaster Relief in Bangkok on 18-20 February 1998, which appears as Annex A, the Co-Chairmen's Summary Report of the Meetings of the Inter-sessional Support Group on Confidence Building Measures in Bandar Seri Begawan on 4-6 November 1997 and in Sydney on 4-6 March 1998, which appears as Annex C, and the Chairman's Report of the First ARF Meeting of Heads of Defense Colleges and Institutions in Manila on 7-8 October 1997, which appears as Annex D

Inter-sessional Meeting on Disaster Relief

24. The Ministers welcomed the contribution of the Second ARF Inter-sessional Meeting on Disaster Relief towards the continued development of the ARF and in enhancing cooperation in the Asia-Pacific region. They agreed that cooperation on disaster management contributes significantly to the ARF's goal of regional confidence building. The Ministers also recognized the potential of furthering regional cooperation on disaster management through the continuation of the work of the ISM. The Ministers endorsed the list of recommendations contained in the Co-Chairmen's Report. The Ministers also agreed that the ARF Disaster Relief Experts Group should report its findings to the Third ISM. The Ministers expressed appreciation to Thailand and New Zealand for the successful co-chairing of the meeting.

Inter-sessional Support Group on Confidence Building Measures

25. The Ministers noted with satisfaction the progress of the work of the ISG on CBMS. The Ministers noted that the ISG had served as an effective forum for frank, open and substantive dialogue on the regional security environment, for the exchange of information on security-related developments in individual countries, and for the development of practical and doable activities to enhance confidence among ARF participants. The Ministers endorsed the Recommendations contained in the Co-Chairmen's Summary Report. The Ministers agreed there was still considerable scope to further develop and deepen cooperation on confidence building measures among ARF members and in this context felt that the work of the ISG on CBMs should continue for the foreseeable future .

26. Pursuant to the request of Ministers at ARP 4 that inter-sessional meetings should review the implementation of agreed CBMS, the Ministers welcomed the set of matrices and tables, including the summary table, which had been produced by the ISG on CBMs showing the degree of implementation of agreed ARF CBMs. The Ministers expressed satisfaction with the high degree of implementation and agreed that these matrices and tables should be updated on an annual basis.

27. The Ministers endorsed two lists of new CBMs contained in Annex F and agreed that these should be considered by the ISG on CBMs for implementation in the near future (Basket 1) and over the medium term (Basket 2). The Ministers welcomed the offers by several countries to hold expert level first track meetings under the auspices of the ISG on CBMs.

28. Noting that the distinction between CBMs and preventive diplomacy was blurred, and in light of the decision of ARF 2 that the consideration of these two issues could proceed in tandem, the Ministers agreed that the ISG should further consider the following tabled proposals: an enhanced role for the ARP Chairman, particularly the idea of a good offices role, the development of a register of experts or eminent persons among ARF participants; Annual Security Outlook; and voluntary background briefing on regional security issues. The Ministers agreed that the ISG should hold two meetings in the next inter-sessional year with one meeting addressing the overlap between CBMs and preventive diplomacy, including the four proposals tabled.

29. The Ministers noted that maritime safety, law and order at sea and protection and preservation of the marine environment were important issues appropriately considered by the ARF under the

rubric of comprehensive security. The Ministers agreed that ARF countries should lend their full support to existing regional and multilateral arrangements and instruments in these areas. The Ministers considered that these three areas should be further discussed in the ISG on CBMS, with the advice of specialist officials, to develop a clearer sense of the areas where the ARF could add value to existing activities.

First ARF Meeting of Heads of Defense Colleges and Institutions

30. The Ministers affirmed the importance of cooperation on security education and research in enhancing confidence building in the region. The Ministers expressed satisfaction that the First ARF Meeting of Heads of Defense Colleges and Institutions in Manila had helped in this effort. The Ministers believed that the networks established by this meeting would serve as a strong foundation for further ARF cooperation in this important area. The Ministers agreed that this meeting contributed to the growing awareness and recognition of the vital role of defense officials in the ARF process. The Ministers expressed appreciation to the Philippines for the successful hosting of the First ARF Meeting of Heads of Defense Colleges and Institutions.

Track II Activities

31. The Ministers noted the Co-Chairmen's Report of the Third ASEAN Regional Forum Track Two Conference on Preventive Diplomacy, which appears as Annex C, held on 9-11 September 1997 in Singapore and jointly organized by Singapore's Institute of Defense and Strategic Studies (IDSS) and United Kingdom's International Institute for Strategic Studies. They also noted the results of the seminar on "The Future of ARF" in Singapore on 27-28 April 1998, which was organized by IDSS. The Ministers deemed it useful that the ISG on CBMs consider the recommendations of these meetings in the next inter-sessional period. Program of Work for the Next Inter-sessional Year (July 1998-July 1999).

Track I Activities

32. The Ministers agreed that the Inter-sessional Meeting on Disaster Relief should continue for another year and welcomed the offer of Vietnam and the Russian Federation to co-chair the next ISM in the first half of 1999 in Moscow. The Ministers noted that the ARF Disaster Relief Experts Group would convene prior to the Third ISM.

33. The Ministers agreed to extend the mandate of the Inter-sessional Support Group on Confidence Building Measures for another year and welcomed the offer of Thailand and the United States to co-chair the next ISG on CBMS. The Ministers noted that the ISG had decided to hold two meetings within the next inter-sessional year, one in November 1998 and the other in March 1999, with one meeting addressing the overlap between CBMs and preventive diplomacy, including the four proposals tabled, and the other on the remaining issues on the ISG's agenda including the list of new CBMs and the maritime issues of maritime safety, law and order at sea, and the protection and preservation of the marine environment. The Ministers also noted that the following first track activities under the auspices of the ISG on CBMs would take place in the next inter-sessional year;

A meeting of specialist officials on maritime issues to be held in conjunction with the November meeting of the ISG;

Second Meeting of Heads of Defense Colleges and Institutions on 8-10 September 1998 in Seoul;

Training on Regional Security for Foreign Affairs and Defense Officials in Spring of 1999 in the United States;

Military Medicine Symposium on Tropical Medicine and Epidemic, Control in Tropical Regions on 25-27 November 1998 in China; and

Seminar on Production of Defense Policy Documents in Canberra on 31 August - 3 September 1998 to be organized by Australia and Malaysia.

34. The Ministers also welcomed the offers to host follow-up activities on peacekeeping namely:

Workshop on Approaches to Training for Peacekeeping co- chaired by Ireland, in behalf of the European Union, and Thailand in Dublin on 19-23 October 1998; and

Peacekeeping Training Course co-chaired by Canada, Japan and Malaysia in Tokyo on 22-26 March 1999.

Track II Activities

35. The Ministers agreed to the holding of the following Track II activities in the next ARF inter-sessional year:

Conference Towards Comprehensive Security and Cooperation in Asia-Pacific on 27-30 September 1998 in Vladivostok; and

Workshop on Common Principles of Disaster Management in the Asian Disaster Prevention Center in Bangkok to be organized by the ADPC and the United States in time for recommendations to be considered by the ARF Disaster Relief Experts Group.

Future Direction of the ARF Process

36. The Ministers agreed that the evolutionary approach to the development of the ARF process would be maintained. The Ministers stressed the importance of proceeding in the development of the ARF, from confidence building to preventive diplomacy to elaboration of approaches to conflict, in an incremental and step-by-step manner. The Ministers affirmed the approach to decision-making by consensus while taking into consideration the interests and comfort level of all ARF participants.

37. The Ministers agreed to request the ISG on CBMs to continue its work in exploring matters in the overlap between CBMs and preventive diplomacy, including the four proposals tabled, and to submit recommendations on ways and means of addressing them with the view to consolidating the gains of the ARF and firmly establishing its foundations to prepare for the challenges of the future.

38. The Ministers noted the growing involvement and participation of defense and military officials in the work and activities of the ARF and expressed the view that this trend should be strongly supported.

CHAIRMAN'S STATEMENT THE SIXTH MEETING OF THE ASEAN REGIONAL FORUM SINGAPORE, 26 JULY 1999

1. The Sixth Meeting of the ASEAN Regional Forum (ARF) was held in Singapore on 26 July 1999. The Meeting was chaired by H.E. Professor S Jayakumar, Minister for Foreign Affairs of Singapore. The Meeting was attended by all ARF participants. The Secretary General of ASEAN was also present.
2. The Ministers welcomed Mongolia joining the 6th ARF as a new participant.

3. The Ministers welcomed the admission of the Kingdom of Cambodia as a member of ASEAN, thereby realising the vision of ASEAN-10. They expressed confidence that ASEAN-10 will contribute to peace and stability in Southeast Asia.

Overview of the ARF Process

4. The Ministers expressed satisfaction that the ARF has continued to serve as the key forum for political and security dialogue and co-operation in the region. They noted that since its inception in 1994, the ARF Ministers and senior officials have become more comfortable with each other through frequent interactions at the various ARF fora. Such enhanced comfort levels have enabled ARF participants to exchange views frankly on issues of common concern, thereby encouraging greater transparency and mutual understanding.

5. The Ministers agreed to build on these strong foundations to move the process forward so that the ARF would continue to remain relevant and able to respond to the challenges posed by the changing political and security environment of the region. The Ministers noted the useful exchange of views at the lunch gathering of senior defence officials, and welcomed the continuation of this practice at future ARF Ministerial Meetings. The Ministers further noted the constructive contributions that defence and military officials have made to the ARF process and encouraged their continued participation in all relevant ARF activities.

6. The Ministers emphasised that the ARF process will continue to develop at a pace that is comfortable to all participants and reaffirmed their commitment to make decisions by consensus. They noted that this has contributed to steady progress being made. The Ministers emphasised the importance of confidence building to the success of the ARF and encouraged the further development of confidence building measures (CBMs). They endorsed the recommendations of the ARF Senior Officials Meeting and the ARF Inter-sessional Support Group on Confidence Building Measures (ISG on CBMs) to discuss the concept and principles of Preventive Diplomacy and noted the common understandings reached on the four tabled proposals relating to the overlap between CBMs and Preventive Diplomacy. The Ministers noted that this was a positive step forward. The Ministers expressed their continued support for the leading role of ASEAN in the ARF process and noted with appreciation that ASEAN would be preparing the draft paper on the concept and principles of Preventive Diplomacy for discussion among ARF members.

Highlights of Issues Discussed

7. The Ministers had substantive discussions on major regional and international issues that had an impact on the regional security environment. The exchange of views was candid and focussed and helped to create better mutual understanding of the security perceptions and concerns among ARF participants.

8. The Ministers, inter alia, discussed the security implications of the regional economic and financial crisis. They noted that it had a significant economic, political and security impact on the region and agreed that the ARF should continue to pay attention to the security implications of the crisis. The Ministers also noted that co-operative regional arrangements had played an important role in containing the effects of the crisis. The Ministers recognised that the strength of the regional economy would affect regional and national resilience. In this connection, they noted that the situation had stabilised as compared to last year and that the region was now beginning to recover. Nevertheless, continued restructuring and policy reform would be necessary to sustain the recovery.

9. The Ministers agreed that stable relations among the major powers was an integral element underpinning regional stability. In this regard, the Ministers welcomed the regular exchanges of visits, including at the leadership level, which have contributed to stable relations among the major powers. The Ministers stressed the importance of the major powers continuing to promote dialogue and co-operation among themselves through all available modalities, including the ARF.

10. The Ministers recognised that the state of relations among the major powers in the Asia-Pacific was affected by events in other regions. In this regard, the Ministers discussed developments in Kosovo/FRY. They were concerned with its wider implications. They expressed their deep regret over the loss of thousands of innocent lives. The Ministers reaffirmed their support for the UN Charter and respect for the basic principles of international law. In this connection, they welcomed the comprehensive political settlement of the Kosovo crisis as endorsed by the United Nations Security Council Resolution S/RES/1244(1999) of 10 June 1999, and urged all parties involved to work closely with the UN in implementing the settlement, which will bring to an end war crimes and crimes against humanity and permit the people of Kosovo to enjoy basic human rights within Kosovo/FRY. The Ministers also expressed their deep regret over the tragic incident involving the Chinese Embassy in Yugoslavia in early May, which had caused the loss of innocent lives and many casualties. The Ministers extended their sympathy and condolences to the Chinese people and relatives of the victims and to all the innocent victims of the Kosovo conflict.
11. The Ministers recognised the Treaty of Amity and Co-operation in Southeast Asia (TAC) as a key regional instrument for strengthening security in the region. They noted that non-Southeast Asian countries, in particular the major powers, were now in the process of considering acceding to the TAC after the Second Protocol amending the TAC enters into force. This would contribute positively to the evolution of a region-wide code of conduct. The Ministers expressed support for the continuing consultations between the State Parties of the SEANWFZ (Southeast Asia Nuclear Weapon Free Zone) Treaty and the Nuclear Weapon States regarding the latter's accession to the Protocol of the Treaty. The Ministers noted that nuclear-weapon-free zones would contribute to the goal of comprehensive nuclear disarmament. In this regard, the Ministers also welcomed the United Nations General Assembly's resolution 53/77D of 4 December 1998 on Mongolia's International Security and Nuclear-Weapon-Free Status.
12. The Ministers welcomed the commitment of all the countries concerned to the peaceful settlement of disputes in the South China Sea in accordance with the recognized principles of international law and the UNCLOS. They stressed the importance of freedom of navigation in this area. The Ministers noted that some ARF countries were concerned that there could be increased tensions. They welcomed the continued exercise of self-restraint by all sides and the positive contributions made by the bilateral consultations between the countries concerned. They further welcomed the dialogue in the ASEAN-China Senior Officials Consultations, the regular exchange of views in the ARF, and the continuing work of the Informal Workshop on Managing Potential Conflicts in the South China Sea, which have enhanced confidence building. They noted that ASEAN was working on a regional Code of Conduct in the South China Sea.
13. The Ministers noted that developments in the Korean Peninsula remain of concern and agreed that parties involved should not adopt policies which could undermine peace and stability. They emphasised the importance of observing the 1953 Armistice Agreement. The Ministers expressed concern over the August 1998 payload launch and other missile-related activities which could heighten tensions and have serious consequences for stability in the Korean Peninsula and the region. The Ministers supported all efforts to improve relations between the DPRK and the ROK and in this connection, noted the ROK's policy aimed at establishing a regime of peaceful co-existence with the DPRK. They welcomed the recent positive developments at the Four-Party Talks and the US-DPRK negotiations on the suspected underground facility. They also reiterated support for the Four-Party Talks and reaffirmed the importance of maintaining the 1994 Agreed Framework and implementing the Korean Peninsula Energy Development Organization (KEDO) projects.
14. The Ministers emphasised the importance of systematic and progressive efforts taken by nuclear weapon states on nuclear disarmament and called on them to make further efforts towards achieving the ultimate objective of eliminating nuclear weapons. The

Ministers noted that there were strong calls for all states to sign and ratify the Comprehensive Test Ban Treaty (CTBT) and to accede to the Nuclear Non-Proliferation Treaty (NPT) as soon as possible. As an essential measure of nuclear non-proliferation and disarmament, the Ministers further urged the Conference on Disarmament to immediately begin and swiftly conclude negotiations on a treaty banning the production of fissile material for nuclear weapons purposes as a matter of priority. The Ministers called on all states to exercise restraint in the development, testing and export of ballistic missiles and other delivery means of weapons of mass destruction. The Ministers also called for a speedy and successful conclusion to the negotiations on a verification protocol for the Biological Weapons Convention (BWC). The Ministers noted support for encouraging states that had tested nuclear weapons last year to exercise restraint, including by adhering to the comprehensive test ban treaty, and to revive the Lahore process.

15. The Ministers noted with appreciation the entry into force of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, and the convening of the First Meeting of the State Parties to the Convention held in Maputo on 3-7 May 1999. They also noted the early entry into force of the amended mines protocol (Protocol 11) of the Convention on Conventional Weapons (CCW), and efforts being made in other bodies, including the Conference on Disarmament, to complement the Ottawa Convention by engaging key non-signatories. The Ministers noted with appreciation several unilateral moratoria on the transfer and commercial export of several categories of mines. The Ministers agreed to support initiatives to enhance international co-operation on demining, the removal of unexploded ordnance and rehabilitation of victims, and commended efforts by some ARF countries to provide training and assistance on mine clearance. In this regard, they noted the efforts by the Cambodian Mine Action Centre (CMAC) and the Thailand Mine Action Centre (TMAC).
16. The Ministers discussed transboundary problems that could have a significant impact on regional security. They recognised that the illegal accumulation of small arms and light weapons posed a threat to peace and security in many regions and urged the international community to focus its attention to this problem. In view of the international conference to be convened by the UN no later than 2001, the Ministers called on member states to increase their efforts so as to enable the UN to play its leading role in dealing with the problem. The Ministers noted with concern the problem of piracy in the region and recognised that there is a need for cooperative approaches to deal with this problem. They also noted the problem of illegal migration.

Track I and II Activities for the Current and Next Inter-sessional Years

17. The Ministers noted with satisfaction the successful implementation of numerous Track I and II activities for the current inter-sessional year (July 1998-July 1999). The Ministers noted the following major Track I activities:
 - a. Co-Chairmen's Summary Report of the two meetings of the Inter-sessional Support Group on Confidence Building Measures in Honolulu on 4-6 November 1998 and Bangkok on 3-5 March 1999.
 - b. Co-Chairmen's Report of the Intersessional Meeting on Disaster Relief in Moscow on 11-13 April 1999.
 - c. ARF Experts Group Meeting on Disaster Relief on 29 January 1999 in Bangkok.
18. The Ministers commended the work of the ISG on CBMs and the ISM on Disaster Relief in furthering the ARF process. They endorsed the recommendations as contained in the above-mentioned reports and agreed that the ISM on Disaster Relief and the ISG on CBMs should continue their work for another year. In this regard, the Ministers welcomed the offers by Vietnam and Russia to co-chair the ISM on Disaster Relief and by Singapore and Japan to co-chair the ISG on CBMs for the next intersessional year. The Ministers also welcomed the production of the Annual Security Outlook (ASO) by

individual participants on a voluntary basis at the Track I level for compilation without any editing by the ARF Chairman and noted that maritime co-operation would be included in the agenda of future ISG on CBMs.

19. The Ministers also noted that the following Track I activities took place under the auspices of the ISG on CBMs:
 - d. Seminar on the Production of Defence Policy Documents in Canberra on 31 August-2 September 1998.
 - e. Second ARF Meeting of Heads of Defence Colleges and Institutions, in Seoul on 8-10 September 1998.
 - f. Symposium on Tropical Hygiene and Prevention and Treatment of Tropical Infectious Diseases, in Beijing on 25-27 November 1998.
 - g. ARF Professional Development Programme in Washington D.C. on 18-23 April 1999.

20. The Ministers further noted that the following Track I activities took place under the auspices of the ISM on Peacekeeping Operations:
 - h. Workshop of Approaches to Training for Peacekeeping, in Dublin on 19-23 October 1998.
 - i. Training Course on Modern Peacekeeping Operations in Tokyo on 22-26 March 1999.

21. The Ministers also took note of the following Track II activities:
 - j. ARF Workshop on Disaster Management in Bangkok on 25-28 January 1998.
 - k. CSCAP Seminar on Preventive Diplomacy in Bangkok on 28 Feb-2 March 1999.
 - l. Conference on "Towards Comprehensive Security and Cooperation in the Asia Pacific" in Vladivostok on 25-27 April 1999.

The Ministers endorsed the programme of work for the next inter-sessional year (July 1999-July 2000).

Future Direction of the ARF Process

22. The Ministers confirmed that the ARF is a framework for political and security dialogue and cooperation in the region and that its discussions and activities should be focused on issues which would have significant impact on regional security. The Ministers agreed that ASEAN would remain the driving force of the ARF process and that the ARF would maintain its evolutionary approach as the process progresses from confidence building to preventive diplomacy and, as an eventual goal, the elaboration of approaches to conflict resolution. The ARF process will continue to move at a pace comfortable to all ARF participants on the basis of consensus. The Ministers recognised the importance of CBMs in enhancing confidence and trust among ARF members and agreed that the ARF should further develop and deepen co-operation on CBMs among- ARF members. They recognized that various efforts at confidence building would have an important role in facilitating the ARF process.

The Ministers also requested the ISG on CBMs to further explore the overlap between CBMs and Preventive Diplomacy for the next inter-sessional year, focussing inter alia, on the development of the concept and principles of preventive diplomacy. In this regard, the Ministers welcomed the offer by ASEAN to prepare a paper on the concept and principles of Preventive Diplomacy for consideration by the ARF SOM at its next meeting.

Appendix C

The ARF : A Concept Paper

18 March 1995

Introduction

1 The Asia Pacific region is experiencing an unprecedented period of peace and prosperity. For the first time in a century or more, the guns are virtually silent. There is a growing trend among the states in the region to enhance dialogue on political and security cooperation. The Asia Pacific is also the most dynamic region of the world in terms of economic growth. The centre of the world's economic gravity is shifting into the region. The main challenge of the ASEAN Regional Forum (ARF) is to sustain and enhance this peace and prosperity.

2 This is not an easy challenge. The region has experienced some of the most disastrous wars of the twentieth century. It is also a remarkably diverse region where big and small countries co-exist. They differ significantly in levels of development. There are cultural, ethnic, religious and historical differences to overcome. Habits of cooperation are not deep-seated in some parts of the region.

3 ASEAN has a pivotal role to play in the ARF. It has a demonstrable record of enhancing regional cooperation in the most diverse sub-region of the Asia Pacific. It has also fostered habits of cooperation and provided the catalyst for encouraging regional cooperation in the wider Asia Pacific region. The annual ASEAN Ministerial Meetings have contributed significantly to the positive regional environment today. There would be great hope for the Asia Pacific if the whole region could emulate ASEAN's record of enhancing the peace and prosperity of its participants.

4 Although ASEAN has undertaken the obligation to be the primary driving force of the ARF, a successful ARF requires the active participation and cooperation of all participants. ASEAN must always be sensitive to and take into account the interests and concerns of all ARF participants.

The challenges

5 To successfully preserve and enhance the peace and prosperity of the region, the ARF must dispassionately analyse the key challenges facing the region. Firstly, it should acknowledge that periods of rapid economic growth are often accompanied by significant shifts in power relations. This can lead to conflict. The ARF will have to carefully manage these transitions to preserve the peace. Secondly, the region is remarkably diverse. The ARF should recognise and accept the different approaches to peace and security and try to forge a consensual approach to security issues. Thirdly, the region has a residue of unresolved territorial and other differences. Any one of these could spark a conflagration that could undermine the peace and prosperity of the region. Over time the ARF will have to gradually defuse these potential problems.

6 It would be unwise for a young and fragile process like the ARF to tackle all these challenges simultaneously. A gradual evolutionary approach is required. This evolution can take place in three stages:

Stage I: Promotion of Confidence Building Measures

Stage II: Development of Preventive Diplomacy Mechanisms

Stage III: Development of Conflict-Resolution Mechanisms

7 The participants of the first ARF Ministerial Meeting in Bangkok in July 1994 agreed on "the need to develop a more predictable and constructive pattern of relations for the Asia Pacific region". In its initial phase, the ARF should therefore concentrate on enhancing the trust and confidence amongst its participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region.

Stage I: Promotion of Confidence Building Measures

8 In promoting confidence building measures, the ARF may adopt two complementary approaches. The first approach derives from ASEAN's experience, which provides a valuable and proven guide for the ARF. ASEAN has succeeded in reducing tensions among its member states, promoting regional cooperation and creating a regional climate conducive to peace and prosperity without the implementation of explicit confidence building measures, achieving conditions approximating those envisaged in the Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN). The concepts of ZOPFAN and its essential component, the South East Asia Nuclear Weapons-Free Zone (SEANFWZ), are significantly contributing to regional peace and stability. ASEAN's well established practices of consultation and consensus (*musyawarah* and *mufakat*) have been significantly enhanced by the regular exchanges of high-level visits among ASEAN countries. This pattern of regular visits has effectively developed into a preventive diplomacy channel. In the Asian context, there is some merit to the ASEAN approach. It emphasises the need to develop trust and confidence among neighbouring states.

9 The principles of good neighbourliness, which are elaborated in the concept of ZOPFAN, are enshrined in the 1976 Treaty of Amity, and Cooperation in South East Asia (TAC). One simple concrete way of expanding the ASEAN experience is to encourage the ARF participants to associate themselves with the TAC. It is significant that the first ARF meeting in Bangkok agreed to "endorse the purposes and principles of the ASEAN Treaty of Amity and Cooperation in South East Asia as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence building, preventive diplomacy, and political and security cooperation."

10 The second approach is the implementation of concrete confidence-building measures. The first ARF meeting in Bangkok entrusted the next Chairman of the ARF, Brunei Darussalam, to study all the ideas presented by ARF participants and to also study other relevant internationally recognised norms, principles and practices. After extensive consultations, the ASEAN countries have prepared two lists of confidence building measures. The first list spells out measures which can be explored and implemented by ARF participants in the immediate future. The second list is an indicative list of other proposals which can be explored over the medium and long-term by ARF participants and also considered in the immediate future by the Track Two process. These lists include possible preventive diplomacy and other measures.

11 Given the delicate nature of many of the subjects being considered by the ARF, there is merit in moving the ARF process along two tracks. Track One activities will be carried out by ARF governments. Track Two activities will be carried out by strategic institutes and non-government organisations in the region, such as ASEAN-ISIS and CSCAP. To be meaningful and relevant, the Track Two activities may focus, as much as possible, on the current concerns of the ARF. The synergy between the two tracks would contribute greatly to confidence building measures in the region. Over time, these Track Two activities should result in the creation of a sense of community among participants of those activities.

Moving Beyond Stage I

12 There remains a residue of unresolved territorial and other disputes that could be sources of tension or conflict. If the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges. The ARF meeting in Bangkok demonstrated this by taking a stand on the Korean issue at the very first meeting. This was a signal that the ARF is ready to address any challenge to the peace and security of the region.

13 Over time, the ARF must develop its own mechanisms to carry out preventive diplomacy and conflict-resolution. In doing so, the ARF will face unique challenges. There are no established roads or procedures for it to follow. Without a high degree of confidence among ARF participants, it is unlikely that they will agree to the establishment of mechanisms which are perceived to be intrusive and/or autonomous. This is a political reality the ARF should recognise. However, it would be useful in the initial phase for the Track Two process to consider and investigate a variety of preventive diplomacy and conflict-resolution mechanisms. A good start was made with the three workshops organised by the Intentional Studies Centre (Thailand) and

Institute of Policy Studies (Singapore) on ASEAN-UN Cooperation for Peace and Preventive Diplomacy, and the Indonesia-sponsored series of workshops on the South China Sea.

Stage II: Development of Preventive Diplomacy

14 Preventive diplomacy would be a natural follow-up to confidence-building measures. Some suggestions for preventive diplomacy measures are spelled out in Annex A and Annex B.

Stage III: Conflict Resolution

15 It is not envisaged that the ARF would establish mechanisms for conflict resolution in the immediate future. The establishment of such mechanisms is an eventual goal that ARF participants should pursue as they proceed to develop the ARF as a vehicle for promoting regional peace and stability.

Organisation of ARF activities

16 There shall be an annual ARF Ministerial Meeting in an ASEAN capital just after the ASEAN Ministerial Meeting. The host country will chair the meeting. The incoming Chairman of the ASEAN Standing Committee will chair all inter-sessional Track One activities of the ARF.

17 The ARF shall be apprised of all Track Two activities through the current Chairman of the Track One activities, who will be the main link between Track One and Track Two activities.

18 In the initial phase of the ARF, no institutionalisation is expected. Nor should a Secretariat be established in the near future. ASEAN shall be the repository of all ARF documents and information and provide the necessary support to sustain ARF activities.

19 The participants of the ARF comprise the ASEAN member states, the observers, and consultative and dialogue partners of ASEAN. Applications to participate in the ARF shall be submitted to the Chairman of the ARF who will then consult the other ARF participants.

20 The rules of procedure of ARF meetings 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.

21 The ARF should also progress at a pace comfortable to all participants. The ARF should not move "too fast for those who want to go slow and not too slow for those who want to go fast".

Conclusion

22 ARF participants should not assume that the success of the ARF can be taken for granted. ASEAN's experience shows that success is a result of hard work and careful adherence to the rule of consensus. ARF participants will have to work equally hard and be equally sensitive to ensure that the ARF process stays on track.

23 The ARF must be accepted as a "sui generis" organisation. It has no established precedents to follow. A great deal of innovation and ingenuity will be required to keep the ARF moving forward while at the same time ensure that it enjoys the support of its diverse participants. This is a major challenge both for the ASEAN countries and other ARF participants. The UN Secretary-General's "Agenda for Peace" has recognised that "just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adjust to the realities of each case with flexibility and creativity".

18 March 1995

Appendix D

Excerpts from ASEAN Ministerial Meeting Joint Communiqués

JOINT COMMUNIQUE OF THE TWENTY-SEVENTH ASEAN MINISTERIAL MEETING Bangkok, 22-23 July 1994

1. The Twenty-Seventh ASEAN Ministerial Meeting was held in Bangkok from 22 to 23 July 1994.

POLITICAL AND SECURITY COOPERATION

2. The Foreign Ministers noted and welcomed ASEAN's increasingly central role in fostering political and security cooperation in Southeast Asia and the Asia-Pacific, through initiatives such as the historic inaugural meeting of the ASEAN Regional Forum (ARF) to be held in Bangkok on 25 July 1994. The ARF could become an effective consultative Asia-Pacific Forum for promoting open dialogue on political and security cooperation in the region. In this context, ASEAN should work with its ARF partners to bring about a more predictable and constructive pattern of relations in the Asia-Pacific.

3. The Foreign Ministers noted the significance of the 27th ASEAN Ministerial Meeting (AMM) as it was the first time that the Foreign Ministers of all ten Southeast Asian countries were present. They hoped that relation of ASEAN with the four other Southeast Asian states would further intensify, and reiterated their commitment to building a Southeast Asian community through common membership in ASEAN. They affirmed their readiness accept Vietnam as a member of ASEAN and instructed their senior officials and the ASEAN Secretary General to undertake early consultations with Vietnamese officials concerning the appropriate modalities and arrangements.

4. The Foreign Ministers reaffirmed their commitment to ASEAN's principles and objectives on regional peace and security, particularly those contained in the ASEAN Declaration on the Zone of Peace, Freedom, and Neutrality (ZOPFAN) of 1971, the Treaty of Amity and Cooperation in Southeast Asia, as well as the concept of Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). They reiterated their determination to continue working towards the early realization of such principles and objectives through the effective implementation of ASEAN's "Programme of Action for ZOPFAN." They noted the growing recognition for the Treaty of Amity and Cooperation in Southeast Asia and expressed their intent to facilitate association with the Treaty by non-regional states. They also noted the progress made in resolving legal and technical aspects of the draft Treaty on Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). They directed the ASEAN SOM Working Group on ZOPFAN and SEANWFZ to expedite its work on these issues.

5. The Foreign Ministers noted with satisfaction that ASEAN cooperation was also being fostered on a parallel track, through the contribution, for example, of the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS), the Workshop Series on ASEAN-UN Cooperation in Peace and Preventive Diplomacy, co-chaired by Thailand and Singapore, and the informal meeting in Manila (30-31 May 1994) of academicians and other citizens from ASEAN and the four other Southeast Asian countries resulting in their statement "Southeast Asia Beyond the Year 2000: A Statement of Vision".

INTERNATIONAL AND REGIONAL ISSUES

6. The Foreign Ministers had a wide-ranging exchange of views on the current international and regional developments. They noted the overall positive trends towards political dialogue and cooperation in the Asia-Pacific region. They expressed concern over sources of tension and conflict that persist in different parts of the world.

7. The Foreign Ministers reiterated their support for the Royal Government of Cambodia, but noted with concern that peace and stability in Cambodia had not been fully realized. They condemned the recent attempt to overthrow the legitimately elected Government and also deplored the recent proclamation by the Khmer Rouge of their so-called "provisional government".

8. The Foreign Ministers reaffirmed the principles contained in the ASEAN Declaration on the South China Sea and its positive contribution to a significant reduction of tension in the region. They expressed appreciation that the on-going Workshop Series on Managing Potential Conflicts in the South China Sea, initiated by Indonesia, had promoted confidence-building among the countries directly concerned. They noted that some countries concerned were already having bilateral consultations. They were convinced that, given the political will and spirit of cooperation of all states concerned, peace and stability in the region could be significantly enhanced.

9. The Foreign Ministers exchanged views on political and security developments in Northeast Asia and looked forward to the early convening of the Inter-Korean Summit and the resumption of the high-level talks between the United States and the Democratic People's Republic of Korea.

Laos and Vietnam

10. The Foreign Ministers noted with satisfaction the increasing cooperation between ASEAN and Laos and Vietnam and encouraged them to increase their participation in ASEAN meetings and cooperation programmes. They believed that increased participation in and greater familiarity with ASEAN would facilitate Laos and Vietnam in their preparations for eventual membership in ASEAN.

JOINT COMMUNIQUE OF THE TWENTY-EIGHTH ASEAN MINISTERIAL MEETING Bandar Seri Begawan, 29-30 July 1995

1. The Twenty-Eighth ASEAN Ministerial Meeting was held in Bandar Begawan from 29 to 30 July 1995.

2. The Foreign Ministers welcomed Vietnam as the seventh member of ASEAN. They also welcomed the accession of Cambodia to the Treaty of Amity and Cooperation in Southeast Asia. Cambodia was also granted Observer status. They believed that these events marked a historic step towards building a Southeast Asian community and looked forward to the future when all Southeast Asian nations become members of ASEAN. The Ministers called for increased cooperation with Cambodia and Laos to assist them in preparing for their eventual membership in ASEAN.

3. The Foreign Ministers welcomed the decision by Myanmar to accede to the Treaty of Amity and Cooperation in Southeast Asia.

POLITICAL AND SECURITY COOPERATION

4. Considering the important role of ASEAN in maintaining peace, stability and prosperity in this region as well as in enhancing cooperation in the wider Asia-Pacific, the Foreign Ministers

**JOINT COMMUNIQUE
OF THE TWENTY-NINTH ASEAN MINISTERIAL MEETING**

Jakarta, 20-21 July 1996

The Twenty-Ninth ASEAN Ministerial Meeting was held In Jakarta from 20 to 21 July 1996.

FIFTH ASEAN SUMMIT

The Foreign Ministers underlined the significant achievements of the Fifth ASEAN Summit held in Bangkok from 14 - 15 December 1995, As part of Summit's agenda, the ASEAN Leaders held a meeting with the Leaders of Cambodia, Laos and Myanmar, pursuant to the Summit's theme 'ASEAN towards One Southeast Asia'. All ten Leaders signed the Treaty on Southeast Asia Nuclear Weapon-Free Zone and agreed to launch a new Pattern of regional development cooperation involving the development of the Mekong Basin, the establishment of a rail link running from Singapore through Kuala Lumpur, Bangkok and on to Kunming and a network of 91, pipelines linking the ASEAN Countries. The Summit elevated functional cooperation to a higher plane and called for the further strengthening of the ASEAN identity, spirit and sense of community. Focusing on the theme "Greater Economic Integration" the Summit resulted in the acceleration and deepening of the commitments under AFTA, expansion of ASEAN economic cooperation in new Sectors, as well as increased linkages with other countries in Southeast Asia. The Foreign Ministers looked forward to the convening of the Informal Meeting of the ASEAN Heads of Government to be hold in Indonesia in December 1996 as agreed upon in the Fifth Summit

The Foreign Ministers accepted the formal applications of Cambodia and Laos to become members of ASEAN In 1997; they also granted Observer status of ASEAN to Myanmar; thereby, the vision of ASEAN's founders of all ten Southeast Asian countries living in harmony under a single root come closer to realization. In this connection, the Ministers reiterated their continued determination to enhance cooperation with Cambodia, Laos and Myanmar to assist them in preparing for their eventual membership in ASEAN.

POLITICAL AND SECURITY COOPERATION

The Foreign Ministers noted the increasingly important role of ASEAN in the maintenance of peace, stability and prosperity in the Asia and Pacific region. In this regard, they reaffirmed their commitment to working closely with others, particularly with ASEAN's Dialogue Partners and Observers.

The Foreign Ministers welcomed China, India and Russia as the new Dialogue Partners of ASEAN. The Ministers looked forward to the broadening of the scope and intensity of cooperation between ASEAN and Its three new dialogue partners.

In reviewing the development of the ASEAN Regional Forum (ARF), the Ministers expressed satisfaction with the progress made thus far through Track One as well as Track Two activities, in promoting confidence-building measures among its participants. They also took cognizance of the increasing degree of comfort in the interactions among the ARF participants, demonstrating that ARF is Chairman's Paper on Criteria for Participation in the ARF would reinforce the foundation of the ARF process. Conscious of the increasingly significant role of the ARF in the maintenance of peace and stability in the region, the Ministers reiterated that ASEAN should continue to be the driving force of this forum.

The Foreign Ministers noted with satisfaction the closer cooperative relations between ASEAN and non-governmental bodies such as the ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) and the Council for Security and Cooperation in the Asia Pacific (CSCAP). They also noted that these bodies had continued to provide ASEAN with useful ideas and proposals with regard to political and security cooperation in the region.

The Foreign Ministers had a wide-ranging exchange of views on the current regional and International situations. They noted that the political and security situation In the Asia Pacific region was relatively stable and peaceful. They expressed their belief that the relative peace and stability in the region could be largely attributed to the endeavours of ASEAN to cultivate the habits of dialogue, consensus and cooperation among the countries in the region and to encourage the solution of disputes through negotiations and other peaceful means. However, they

acknowledged that tensions exist In the region as well as in other parts of the world In the face of longstanding disputes which, if not successfully managed, could erupt into conflicts that could threaten regional as well as international stability.

The Foreign Ministers expressed their concern over the situation in the South China Sea, and stressed that several outstanding Issues remain a major concern for ASEAN. In the spirit of the Manila Declaration on the South China Sell, the Ministers called for the peaceful resolution of the dispute and self-restraint by parties concerned. The Ministers were pleased to observe, however, that the parties concerned have expressed their willingness to resolve the problem by peaceful means In accordance with recognized international law in general and the UNCLOS of 1982 in particular. The Ministers also reiterated the significance of the on-going informal workshop series on Managing Potential Conflict in the South China See, and welcomed the continuing bilateral cooperation and discussions among the claimant countries. They endorsed the Idea of concluding a regional code of conduct in the South China Sea which will lay the foundation for lone term stability in the area and foster understanding among claimant countries.

The Foreign Ministers stressed the Importance of freedom of navigation and aviation in the South China Sea.

The Foreign Ministers discussed the Situation in the Korean Peninsula. They reiterated their belief that the resumption of dialogue between the Democratic People's Republic of Korea and the Republic of Korea was extremely Important for peace and security on the Korean Peninsula. The Ministers emphasized the need to establish a peace mechanism and also emphasised that the 1953 Armistice Agreement until then should remain valid, They noted the significant role of Korean Peninsula Energy Development Organisation (KEDO) in the framework of the resolution of the nuclear issue in the region.

Cooperation with Dialogue Partners

The Foreign Ministers noted that the Dialogue process has continued to be the most important aspect of ASEAN's external relations. It has provided ASEAN with opportunities to promote its common interests and engage in dialogues on both regional and global issues with some of the most Important countries In the world. The Ministers expressed the hope that the achievements In this area could be sustained through increased consultations and mutual understanding.

The Foreign Ministers welcomed the Initiative of H.E. President Kim Young Sam of the Republic of Korea which led to the establishment of an ASEAN- Republic: of Korea Eminent Persons Group and expressed the hope that the Group's report would contribute to a more dynamic ASEAN-Republic of Korea relations for the 21 at Century, The Foreign Ministers took note with appreciation the ASEAN- EU EPG Report.

JOINT COMMUNIQUE THE THIRTIETH ASEAN MINISTERIAL MEETING 1997

The Thirtieth ASEAN Ministerial Meeting was held in Subang Jaya, Malaysia from 24 - 25 July 1997.

IMPLEMENTATION OF DECISIONS OF THE FIRST ASEAN INFORMAL SUMMIT

2. The Foreign Ministers welcomed warmly the admission of Laos and Myanmar into ASEAN. They expressed satisfaction that the admission of Laos and Myanmar, on the 30th Anniversary of ASEAN, had advanced the vision of the Founding Fathers to build a united community of the Southeast Asian Nations. The Foreign Ministers recalled the decision taken by ASEAN Heads of State/Government at the 5th Summit in Bangkok in December 1995 to admit Cambodia into ASEAN and underlined their conviction that the admission of Cambodia, Laos and Myanmar

would serve the long term interest of regional peace, stability and prosperity. They agreed that a firm foundation for common action to promote regional cooperation in Southeast Asia is being accomplished. The Foreign Ministers affirmed their commitment to heighten collaboration with Laos and Myanmar to facilitate the integration of both these countries into the mainstream of ASEAN activities. They encouraged the ASEAN Secretariat to continue to provide technical assistance to Laos and Myanmar and urged the ASEAN Dialogue Partners to actively support this endeavour.

POLITICAL AND SECURITY CO-OPERATION

7. Recognizing the increasingly central role of ASEAN in the maintenance of peace and stability in the region, the Foreign Ministers underlined their commitment to continue working closely together as well as with the ASEAN Dialogue Partners and the ARF participants to enhance peace and strengthen regional stability.

8. The Foreign Ministers reviewed the progress made in the implementation of ASEAN's "Programme of Action on ZOPFAN". In this connection they noted with satisfaction the level of political and security cooperation among ASEAN countries at regional and international fora. In reviewing intra ASEAN security cooperation, the Foreign Ministers welcomed proposals among the defence agencies to conduct seminars relevant to facilitating and enhancing confidence building among ASEAN member states.

9. The Foreign Ministers noted with satisfaction the closer cooperative relations between ASEAN and non governmental organizations including the ASEAN-ISIS and CSCAP. They underscored that such interaction was beneficial to the promotion of peace and ability and fostering a strong ASEAN identity.

10. The Foreign Minister expressed their satisfaction that the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ) Treaty, signed by all the leaders of the ten Southeast Asian nations in Bangkok in December in 1995, had entered into force on 27th March 1997. They also noted that the Treaty was registered with the UN on 26th June 1997. In this context, they recalled that the Commission to be established by the Treaty would oversee the implementation of the Treaty and ensure compliance with its provisions. Nonetheless, pending the establishment of the Commission, the Foreign Ministers accepted the recommendation of the ASEAN Senior Officials to extend the mandate of the ASEAN SOM Working Group on ZOPFAN and SEANWFZ, to pursue consultations with Nuclear Weapon States pertaining to the Protocol to the Treaty. The Foreign Ministers called upon Nuclear Weapon States to demonstrate their support for nuclear-weapon-free zones by acceding to the Protocol of the SEANWFZ Treaty.

11. The Foreign Ministers agreed that appropriate amendments to the Treaty of Amity and Cooperation in Southeast Asia (TAC) would facilitate association with the TAC by non-Southeast Asian States. They directed the ASEAN Senior Officials to expedite the drafting of the Protocol to this effect.

13. The Foreign Ministers expressed satisfaction with the progress of the ASEAN Regional Forum (ARF) as the multilateral forum for promoting security dialogue and cooperation in the region. They noted the increasing readiness among the participants to address substantive security issues in a cooperative manner and that enhanced confidence and trust had resulted from practical activities undertaken at Track I and Track II levels. They expressed the hope that the ARF would move from Stage I (confidence building) to Stage II (preventive diplomacy) in accordance with the spirit of the ASEAN Concept Paper on the ARF 1995. They welcomed the increasing interest shown by defence agencies on the discussion on security issues. They believed that these positive developments would augur well for the long term peace and stability of the region. The Foreign Ministers underlined the importance of maintaining the evolutionary approach and taking decisions by consensus at the ARF. They reiterated ASEAN's commitment to remain the primary driving force of the ARF process.

REGIONAL AND INTERNATIONAL ISSUES

14. The Foreign Ministers had a useful exchange of views on current developments in the regional and international situation. The Foreign Ministers expressed satisfaction over the increasing constructive exchanges and cooperation among countries in Southeast Asia. They looked forward to the further consolidation of these processes with the entry of Laos and Myanmar into ASEAN. Recognising that national stability would enhance regional peace and prosperity, the Foreign Minister underlined the importance of accelerated economic growth, social progress and cultural development within their respective countries. They committed themselves to mutual cooperation and joint endeavors towards this direction.

15. The Foreign Ministers recalled and reiterated their Statements dated 8th and 10th July 1997 on the situation in Cambodia. They thanked H.E. Ali Alatas, Minister of Foreign Minister of Indonesia, H.E. Domingo L Siazon, Jr, Secretary of Foreign Affairs for the Philippines and H.E. Prachuab Chaiyasan, Minister of Foreign Affairs of Thailand for leading a delegation to call on His Majesty King Norodom Sihanouk and the two Cambodian co-Prime Ministers H.R.H. Samdech Krom Preah Samdech Norodom Ranariddh and H.E. Samdech Hun Sen with a view to finding a peaceful solution to situation in Cambodia. They also took note of the new position expressed by H.E. Ung Huot, the Foreign Minister of the Royal Government of Cambodia, on behalf of Second Prime Minister Hun Sen, that Cambodia welcomes ASEAN's role in helping to restore political stability in the country. The Foreign Ministers agreed that, upon reconfirmation of this new position, the ASEAN Ministerial delegation comprising the Minister for Foreign Affairs of Indonesia, the Secretary of Foreign Affairs of the Philippines and the Minister of Foreign Affairs of Thailand would continue with its efforts to assist Cambodia to find a peaceful resolution of the situation in that country. The Foreign Ministers stressed ASEAN's commitment to the principle of non interference in the internal affairs of other countries. They noted that ASEAN had offered its good offices to Cambodia in the light of the recent unfortunate developments and in view of Cambodia's interest in joining ASEAN. They expressed the hope that the situation in the country would return to normalcy and that a solution could be found in the spirit of the Paris Peace Accords. Recalling the decision of the first ASEAN Informal Summit in Jakarta in 1996, the Foreign Ministers also expressed regret that Cambodia could not be admitted into ASEAN due to the present circumstances in the country, while reaffirming that Cambodia's Observer status at the AMM remains unchanged. They expressed the hope that a peaceful solution would soon be found so that Cambodia would be able to join ASEAN and fulfil the vision of an ASEAN community of 10 as envisaged by the Founding Fathers of ASEAN.

16. In reviewing the situation in the South China Sea, the Foreign Ministers emphasized that several issues remained a source of concern. Nevertheless, they were encouraged by the continued efforts to seek peaceful solutions to the negotiations, on the basis of international law, particularly the 1982 United Nations Convention on the Law of the Sea, and the Manila Declaration on the South China Sea. They noted the readiness among the parties concerned to engage in dialogue to address these differences. In this connection, they highlighted the importance of exercising restraint in the conduct of activities in the area as agreed by the parties concerned. The Foreign Ministers also noted the positive contributions made by the series of Workshop on Managing Potential Conflicts in the South China Sea.

18. The Foreign Ministers welcomed the return of Hong Kong to Chinese sovereignty, marking the end of centuries of colonialism in this part of the world. They expressed confidence that the substantial links between ASEAN member countries and Hong Kong Special Administration Region of the People's Republic of China would be maintained and continue to expand.

23. The Foreign Ministers noted the progress achieved so far in the deliberations on the reform of the Security Council currently being undertaken in the Open-ended Working Group on the Question of Equitable Representation On and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. They also welcomed the general agreement that there should be expansion in the membership of the Security Council taking into account the increase in the membership of the United Nations. They agreed that an increase in the membership of the Security Council should aim at enhancing its efficiency and effectiveness. The Foreign Ministers emphasized that additional membership of the Council should represent

countries from the developing regions of Asia, Africa, Latin America and the industrialized countries. They underlined that new permanent members of the Council should enjoy the same rights as current permanent members. In this context, they agreed that the use of the veto should be curtailed with a view to its eventual elimination. They were also of the view that there should be periodic review of the reform of the Security Council. The Foreign Ministers agreed that ASEAN member countries participate actively in the deliberations of the work of the Open Ended Working Group On and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

**JOINT COMMUNIQUE
THE THIRTY-FIRST ASEAN MINISTERIAL MEETING
MANILA, PHILIPPINES, 24-25 JULY 1998**

1. The thirty-first ASEAN Ministerial Meeting was held in Manila, Philippines from 24-25 July 1998.

POLITICAL AND SECURITY COOPERATION

8. The Foreign Ministers welcomed the signing of the Second Protocol to the, Treaty of Amity and Cooperation (TAC) in Southeast Asia, which would enable non-Southeast Asian states to accede to the TAC as an instrument of commitment to friendly and constructive relations with countries of Southeast Asia. The Foreign Ministers urged non-Southeast Asian states, especially the major powers, to accede to the TAC.

9. The Foreign Ministers noted the report of the ASEAN Senior Officials on the progress made so far by the ASEAN Working Group on ZOPFAN and SEANWFZ regarding its consultations with Nuclear Weapon States in the context of enabling the latter to sign the Protocol to the SEANWFZ Treaty. The Foreign Ministers reiterated that the signing of the Protocol by the Nuclear Weapon States will constitute a manifestation of their support for nuclear disarmament and nuclear weapon-free zones. The Foreign Ministers expressed the view that the recent nuclear tests in South Asia were not conducive to the full realization of SEANWFZ.

10. The Foreign Ministers noted with satisfaction the good progress made by the ASEAN Regional Forum (ARF). They renewed ASEAN's commitment to be the primary driving force of the ARF and to ensure the continued development of the ARF as an effective forum in promoting security dialogue and cooperation and building confidence among countries in the region. They endorsed the participation of Mongolia in the ARF and expressed the hope that its participation would contribute to the achievement of the ARF's key goals and objectives.

11. The Foreign Ministers noted with satisfaction the positive outcome of the activities undertaken at the Track I and Track II levels at the ARF and agreed that these activities have significantly contributed to the promotion of transparency and cooperation, and the building of confidence among ARF members. They welcomed, in particular, the results of the Inter-sessional Meeting on Disaster Relief and the meetings of the Inter-sessional Support Group on Confidence Building Measures and looked forward to the further strengthening of these and other ARF activities in the next inter-sessional year. They expressed anew their hope that the ARF would move from stage I (confidence building) to stage II (preventive diplomacy) in accordance with the spirit of the ASEAN Concept Paper on the ARF. Encouraged by the greater interaction among defense and military officials and their increasing participation in the discussions of regional security, the Foreign Ministers underscored the vital role played by the defense and military Agencies and officials in the ARF process.

REGIONAL AND INTERNATIONAL ISSUES

14. The Foreign Ministers noted the preparations made by the Royal Government of Cambodia for the 26 July 1998 elections and acknowledged the efforts of the ASEAN Troika, the Friends of Cambodia (FOC), the UN and the international community in support of this undertaking. They welcomed the 15 July 1998 statement of the United Nations Secretary-General on the Cambodian elections. The Foreign Ministers reiterated their hope for free, fair and credible elections that would facilitate the restoration of peace and political stability in Cambodia. The Foreign Ministers recalled that the ASEAN Heads of State/Government at the Second ASEAN Informal Summit called for the intensification of consultations with Cambodia to facilitate its admission into ASEAN.

15. The Foreign Ministers reviewed the developments in the South China Sea. They welcomed the Joint Statement issued at the ASEAN-China Summit in Kuala Lumpur in December 1997 and called on all countries concerned to exercise self-restraint and to continue efforts to find solutions on the basis of international law, in particular the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and to subscribe to the principles embodied in the 1992 Manila Declaration on the South China Sea. They also urged countries concerned to focus on confidence building measures with a view to enhancing peace and stability in the region. They noted the frank and productive discussions in the bilateral consultations among countries concerned, at the ASEAN-China Senior Officials Consultations and at the ASEAN Regional Forum (ARF), particularly in the Inter-sessional Group on Confidence Building Measures. They also noted the positive contributions made by the series of Informal Workshops on Managing Potential Conflicts in the South China Sea as well as various groups therein.

16. The Foreign Ministers expressed the hope that the continuing efforts of the Four-Party Talks on the Korean Peninsula would result in the institution of a permanent peace mechanism that would replace the 1953 Armistice Agreement and create a conducive atmosphere for Korean reunification. They underlined the importance of such talks in the promotion and maintenance of peace and stability in the region and likewise recognized the positive contribution of the Korean Peninsula Energy Development Organization (KEDO) towards achieving the objectives of security, non-proliferation and confidence-building.

24. Reaffirming their commitment towards the goals of general and complete disarmament, the Foreign Ministers reiterated their call to all States especially the nuclear weapon states to fulfill their obligations and commitments, particularly those related to Article VI of the Nuclear Non-Proliferation Treaty. Further, the Foreign Ministers reiterated their call for the commencement of negotiations in the Conference on Disarmament on a phased programme for the complete elimination of nuclear weapons within a time-bound framework, including a Nuclear Weapons Convention. The Foreign Ministers underlined the importance they attached to the non-proliferation of other weapons of mass destruction.

27. The Foreign Ministers noted the efforts of the Asia Regional Ministerial Workshop on Organized Transnational Crime, held in Manila on 23-25 March 1998, in finding a solution to the growing menace of such crimes as illicit drug trafficking, terrorism, arms smuggling, money laundering, trafficking in persons and piracy. They likewise affirmed the resulting Manila Declaration on the Prevention and Control of Transnational Crime which expresses international resolve to eradicate, through increased cooperation, the menace of such crimes. The Manila Declaration concurs with the 1997 ASEAN Declaration on Transnational Crime which called on ASEAN countries to expand the scope of cooperation and explore ways by which the member countries can work closer with relevant agencies and organizations, including the United Nations.

28. The Foreign Ministers recalled the decision of the 26th ASEAN Ministerial Meeting held on 23-24 July 1993 in Singapore to consider the establishment of an appropriate regional mechanism on human rights and noted the establishment of the informal non-governmental Working Group for an ASEAN Human Rights Mechanism. The Foreign Ministers noted further the dialogues

held between the Working Group and ASEAN officials in Jakarta during the 29th ASEAN Ministerial Meeting and in Kuala Lumpur during the 30th ASEAN Ministerial Meeting. They recognized the importance of continuing these dialogues and took note of the proposal made by the Working Group during its latest dialogue with ASEAN held in Manila on 22 July 1998.

Joint Communiqué of the 32nd ASEAN Ministerial Meeting Singapore, 23-24 July 1999

We, the Foreign Ministers of the ten ASEAN countries, met in Singapore from 23–24 July 1999 and renewed our commitment to work together to meet the challenges of a region undergoing significant political and economic changes.

We warmly welcomed Cambodia's participation for the first time in the ASEAN Ministerial Meeting (AMM), following the special ceremony in Hanoi on 30 April 1999. This is a milestone in ASEAN's evolution and a fulfilment of the vision of ASEAN's founding fathers. All Southeast Asians are now part of a single community. We reaffirmed our commitment to assist Cambodia's integration into ASEAN while preparing for the next phase of ASEAN's development.

In the face of new challenges as well as opportunities, we the ASEAN Ten are confident of overcoming our current difficulties because we are all united in our aim of strengthening ASEAN. ASEAN's fundamental role in managing diversity and differences in Southeast Asia is as important today as when ASEAN was formed in 1967. We have now entered a period of consolidation and rebuilding which would undoubtedly reinforce our foundations and set the stage for the emergence of a stronger ASEAN. With these challenges in mind, we unanimously reaffirmed the relevance and value of ASEAN to all our countries and renewed our determination to strengthen ASEAN.

ASEAN FOREIGN MINISTERS' RETREAT

We held for the first time a Retreat of the ASEAN Foreign Ministers. The 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.

We discussed the issues facing ASEAN and its Dialogue Partners. Over the years, changes had taken place in our dialogue relationships. However, we recognised the unique role of the Post-Ministerial Conferences (PMC) and Dialogue Partnerships in managing the broad co-operative relationships. We renewed our commitment to reinvigorate and intensify our dialogue relationships.

We reviewed the development of the ARF and discussed its future direction. For a regional political and security forum that groups very diverse countries and major powers, the ARF had made significant progress during the past five years. We noted with satisfaction that the ARF, through the active contributions of all ARF countries, had become the key forum for political and security dialogue and co-operation in the Asia-Pacific region. We are committed to strengthening ASEAN's role as the primary driving force of the ARF process. We noted that the ASEAN officials are preparing a paper on the concept and principles of Preventive Diplomacy for discussion by the ARF Intersessional Support Group on Confidence-Building Measures (ISG on CBMs) during the next intersessional year. We stressed the importance of enhancing the ARF's

relevance and effectiveness in addressing the challenges faced by the region amidst the changing political and security environment. We also stressed the importance of moving the ARF process forward at a pace comfortable to all participants and on the basis of consensus.

POLITICAL AND SECURITY CO-OPERATION

We welcomed the progress made by the High Contracting Parties in ratifying the Second Protocol to the Treaty of Amity and Co-operation in Southeast Asia (TAC). We reiterated our call for extra-regional states, particularly the major powers, to accede to the TAC to reinforce its continuing relevance as the basis for a framework governing inter-state relations in the region and allowing ASEAN to maintain peace and stability in the region. This would be further reinforced once the Second Protocol comes into force.

The ASEAN Foreign Ministers convened, for the first time, the Commission of the Southeast Asia Nuclear Weapon-Free Zone Treaty (SEANWFZ). This is the first concrete step towards the implementation of the Treaty. The Commission directed its Executive Committee to prepare the draft rules of procedure and to initiate all necessary actions to ensure compliance with the Treaty, including consultations with the Nuclear Weapon States and International Atomic Energy Agency (IAEA) and other related bodies.

We noted the consultations which had taken place between the ASEAN SOM Working Group on the Zone of Peace, Freedom and Neutrality (ZOPFAN) and SEANWFZ and the Nuclear Weapon States and urged the Nuclear Weapon States to accede to the Protocol to the SEANWFZ Treaty as another means of enhancing the regional security environment.

Positive progress had been made in the various ARF activities at both Track I and Track II levels, including the constructive contribution of defence and military officials. We assessed that the Intersessional Support Group on Confidence Building Measures (ISG on CBMs), the Intersessional Meeting on Disaster Relief, Intersessional Meeting on Peacekeeping Operations, and other activities under their auspices had contributed substantially to the furthering of the ARF process, through the promotion of mutual understanding and a mindset of cooperation. While recognising that the implementation of CBMs continued to be the focus of ARF, we noted the importance of advancing the ARF process on the basis of principles agreed, and in this context supported the recommendation of the ISG on CBMs to discuss the concept and principles of Preventive Diplomacy (PD) and to further explore the areas of overlap between CBMs and PD in the next intersessional year. We also encouraged increased interface between Track I and Track II and continued active participation by defence and military officials in ARF activities.

REVIEW OF THE ROLE AND FUNCTIONS OF THE ASEAN SECRETARIAT

We commended the work of the Special Directors-General Working Group on the Review of the Role and Functions of the ASEAN Secretariat. With the new challenges facing ASEAN over the last few years, new demands had been placed on the ASEAN Secretariat. The rationalisation of the Secretariat's organisational structure would allow the Secretariat to be a more effective instrument in helping ASEAN prepare for the future. The completion of the Review was in line with the call in the HPA for a more responsive Secretariat.

REGIONAL AND INTERNATIONAL POLITICAL ISSUES

In reviewing the regional and international political situation, we reiterated our conviction that a stable, strategic relationship among the major powers, particularly China, Japan, Russia and the United States was a vital contributing factor to the peace, security, stability and prosperity of the Asia-Pacific region, especially Southeast Asia. A positive framework of relations among the major powers and their efforts in enhancing their mutual understanding and co-operation in their relations at bilateral and global levels are all the more vital, in order to ensure the continuation of the economic recovery in the region.

We expressed our concern over the tension that arose in the Taiwan Strait after 9 July 1999, which could seriously affect regional peace and stability and prospects for economic recovery. We hoped for a quick and peaceful return to normalcy. We reaffirmed our commitment to our "One China Policy".

In reviewing the situation in the South China Sea, we recognised that several issues remained a source of concern, including the overlapping and conflicting claims among the countries involved that remain unresolved. We emphasised the importance of resolving these issues in the interest of peace and stability in the region. We reiterated the need for the disputes to be settled peacefully, in accordance with the recognised principles of international law, including the 1982 United Nations Convention on the Law of the Sea, and to continue to exercise self-restraint in the conduct of activities in the South China Sea. We recalled the ASEAN Foreign Ministers' agreement in 1996 to the idea of a regional Code of Conduct which would lay the foundation for long-term stability in the area and foster understanding among claimant countries. At the 6th ASEAN Summit, the ASEAN Leaders agreed to promote efforts to establish a regional Code of Conduct in the South China Sea among the parties directly concerned. Pursuant to these agreements, we noted that as a follow-up to the ASEAN SOM recommendation in May 1999, the Philippines has submitted a draft Regional Code of Conduct for the immediate consideration of the ASEAN SOM Working Group on ZOPFAN and SEANWFZ at its next meeting. We recognised the positive contribution of the ongoing bilateral and multilateral consultations among the parties concerned at the intergovernmental level, the extensive consultations at the ASEAN-China Dialogue and the regular exchange of views in the ARF, and the on-going Informal Workshops on Managing Potential Conflicts in the South China Sea and encouraged their continuance.

We are also concerned with developments in the Korean Peninsula and agreed that the parties involved should not adopt postures which could undermine peace and security. We reaffirmed the importance of maintaining the 1953 Armistice Agreement and the Agreed Framework and hoped that all the parties would continue dialogue with a view to establishing a permanent peace regime. We expressed support for the Four-Party Talks, the inter-Korean Dialogue, the US-DPRK negotiations and the Korean Peninsula Energy Development Organization (KEDO) in promoting peace and stability on the Korean Peninsula and as a peaceful means to advance global nuclear non-proliferation. In this regard, we noted the Republic of Korea's efforts to contribute to the stability of the Peninsula, including through the Sunshine Policy.

We stressed the importance for all states that have not signed or ratified the Comprehensive Test Ban Treaty (CTBT) and the Nuclear Non-Proliferation Treaty (NPT) to do so. We urged all states to refrain from undertaking weaponisation or deploying missiles to deliver nuclear weapons, and to prevent any transfer of nuclear weapon-related materials, technology and equipment. To this end, we called for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons purposes as an essential measure of nuclear disarmament and non-proliferation of nuclear weapons. We also called on the nuclear weapon states to make further efforts towards achieving the ultimate objective of eliminating nuclear weapons.

We noted the progress that has been made on the implementation of the Chemical Weapons Convention (CWC) and called on all states which had not ratified or acceded to the CWC to do so. Progress has also been made in the work on the protocol dealing with compliance and verification of the Biological Weapons Convention (BWC). To this end, we commended the work of the Ad Hoc Group of State Parties to the BWC.

We supported the ongoing negotiations to draft an international convention against organised transnational crime, as well as its supplementary protocols on addressing trafficking in women and children, and illegal trafficking in firearms. We urged the international community to focus

its attention on the problem of transnational crime, and called on the UN to play the lead role in co-ordinating the efforts of Member States to deal with this problem.

We noted the entry into force of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. We agreed to support initiatives to enhance international co-operation on demining, including training, and in the removal of unexploded ordinance as well as the rehabilitation of mine victims.

We recalled the decision of the 26th ASEAN Ministerial Meeting held on 23–24 July 1993 in Singapore to consider the establishment of an appropriate regional mechanism on human rights and noted the establishment of the informal non-governmental Working Group for an ASEAN Human Rights Mechanism. The Working Group and ASEAN officials have met regularly since the 29th ASEAN Ministerial Meeting in Jakarta, most recently on 22 July 1999 in Singapore. We recognised the importance of continuing these dialogues.

Appendix E

Statements From Workshops on Managing Potential Conflict in the South China Sea 1992-1999

The Third Workshop on Managing Potential Conflicts in the South China Sea. Yogyakarta, Indonesia 29 June - 2 July 1992

1. The third Workshop on "Managing Potential Conflicts in the South China Sea" was held in Yogyakarta from June 29-July 2, 1992.
2. The Workshop, convened by the Research and Development Agency of the Department of Foreign Affairs of Indonesia and the Institute for Southeast Asian Studies, Jakarta, was supported by the Canadian International Development Agency and various governmental and non-governmental institutions in Indonesia.
3. Fifty-eight participants from the countries around the South China Sea region attended the workshop. Also present were Resource Persons from Canada.
4. The agenda for this Workshop was as follows: Resource Management; Shipping, Navigation and Communications; Environment, Ecology and Marine Scientific Research; Political and Security Issues; Territorial and Jurisdictional Issues; Institutional Mechanisms for Cooperation; and Spratly and Paracel Issues.
5. In the session on Resource Management, participants supported the idea of living and non-living resource assessment, as well as investigating directions for further cooperation that did not impact on or attempt to prejudice questions of territorial sovereignty.
6. In the session on Shipping, Navigation and Communications, joint hydrographic surveys of dangerous areas in the interests of navigational safety, improving navigational aids, cooperation in combating marine pollution, search and rescue, and disaster mitigation, were considered possible areas for cooperation with further details to be worked out in the proposal.
7. Participants supported the concept of cooperative marine scientific research in the South China Sea, which was proposed during the session on Environment, Ecology and Marine Scientific Research.
8. At the remaining sessions participants discussed recent developments in the South China Sea region pertaining to jurisdiction, and security issues in the light of developments in world events since the 1991 Bandung meeting.
9. Participants reaffirmed the points agreed to at the second workshop held in Bandung in July, 1991 which the participants felt able to recommend to their respective governments, including a renunciation of the use of force to settle territorial and jurisdictional disputes, the settlement of disputes by peaceful means through dialogue and negotiation, the exercise of self-restraint in order not to complicate the situation, and cooperation in the disputed areas without prejudice to territorial claims and in the common interests of the countries concerned.
10. Participants agreed that the present informal workshop should continue to function to develop and promote cooperation in the South China Sea and to coordinate immediate cooperative plans and action, with appropriate recommendations to governments, on issues of common concern in

the region.

11. Participants also agreed, as a concrete step towards cooperation in the South China Sea region, to establish two working groups consisting of experts, to prepare and, after approval by governments, *organise joint activities* on the following topics:

(A) resource assessment and ways of development;

(B) marine scientific research.

The two working groups, after the necessary preparations have been made, shall be convened within the next nine months or as soon as practicable.

12. Among the activities in marine scientific research, the workshop agreed to support a meeting of scientists and an expedition in the South China Sea area to be conducted by scientists from all countries of the region. The preparations and modalities for this conference and expedition, including their terms of reference, shall be prepared by the working group on Marine Scientific Research.

13. Working Group A shall conduct technical meetings to cooperate on the assessment of living and non-living resources, and on options for the development of ground rules, including the possibility of joint development, in an area to be defined.

14. The participants devoted the final session to discussing the issues relating to the Spratly Islands group and the immediate surrounding areas. The participants considered that such an exchange of views was important and therefore should be continued in order to increase mutual understanding and to identify areas where cooperative efforts in the area might be undertaken.

15. The Workshop was conducted in an atmosphere of frankness, friendliness and mutual understanding.

16. The next workshop shall be convened to discuss the results of the working group activities and to continue the exchange of views on the Spratly Islands issues.

17. The Workshop expressed appreciation to Indonesia for having organized the informal meeting and encouraged it to continue with this constructive and positive initiative.

18. The Workshop also expressed appreciation to the Canadian contribution to this Workshop.

The Fourth Workshop on Managing Potential Conflicts in the South China Sea. Surabaya, Indonesia on 23-25 August 1993

1. The Fourth Workshop on Managing Potential Conflicts in the South China Sea was held in Surabaya, Indonesia on 23-25 August 1993. The Workshop was convened by the Department of Foreign Affairs of Indonesia and the Institute for Southeast Asian Studies, Jakarta, and supported by the Canadian International Development Agency through the South China Sea project of the Asia-Pacific Ocean Cooperation Program at the University of British Columbia, and various governmental and non-governmental institutions in Indonesia.

2. Fifty four participants from around the South China Sea region attended the Workshop meeting. Also present were Resource Persons from Canada, Malaysia, Indonesia and the Philippines.

3. The agenda for this Workshop was as follows: explanations of Workshop activities and a

summary of the various proposals of the previous three Workshops; report of the Marine Scientific Research working group in Manila and Resources Assessment and Ways of Development working group held in Jakarta; progress of the South China Sea program in developing a spirit of cooperation and assessment of the cooperation in the six areas identified during the previous workshop; participation and cooperation in the South China Sea; Spratly and Paracel issues, and Confidence Building Measures.

4. The Workshop sessions were co-chaired by Ambassador Hasjim Djalal and a participant from the South China Sea region.

5. The Workshop met informally, and the participants attended the meeting in their private capacities. The Workshop participants agreed to continue to work on the basis of consensus.

6. The Workshop discussed and adopted the Report of the Technical Working Group (TWG) on Resources Assessment and Ways of Development. The Workshop agreed to recommend to their respective authority to appoint the relevant focal points mentioned in the Report. The Workshop agreed to ask the relevant coordinators to start, together with the relevant focal points, to implement the recommendations contained in the Report, including the study of the various models of joint cooperation concepts.

7. The TWG on Marine Scientific Research, after holding a separate experts group meeting (the Small Group Meeting on Marine Scientific Research in the South China Sea) on 23 August 1993, submitted three areas for implementation, namely:

- i. Database, Information Exchange and Networking;
- ii. Sea Level and Tide Monitoring;
- iii. Biodiversity Studies.

8. The Workshop discussed and adopted the Report by the TWG on Marine Scientific Research. The Workshop approved the recommendations of the TWG on Marine Scientific Research to have a two-day meeting in December 1993 to prepare a complete project proposal on the subjects to be submitted at the next Workshop. Singapore was suggested as the venue for this meeting. Three countries have been entrusted to prepare the relevant papers on those three subjects. These countries are: China for subject no. i (Database, Information Exchange and Networking); Indonesia for subject no. ii (Sea Level and Tide Monitoring); and Vietnam for subject no. iii (Biodiversity Studies), to be ready for circulation before 1 November 1993.

9. The Workshop discussed the possibility of establishing a secretariat of the workshop at an appropriate time in the future in order to coordinate the activities of the Workshop and its TWGs.

10. The Workshop also discussed the possibility of holding a TWG on legal matters to study among other things the legal implications of the various suggested activities, the collection and analysis of various models for joint development efforts, and the study of various cooperative efforts in various maritime regions in the world. The participant from Thailand has indicated a willingness to host such a meeting. The Workshop will make a decision in due course after taking into account the progress on realizing various agreed activities.

11. The Workshop agreed in principle to convene a TWG on environment to be hosted by China, and requested the next meeting on marine scientific research to help with the necessary preparation for that meeting in addition to other preparatory activities to be undertaken by the host country.

12. The Workshop considered efforts to increase safety of navigation in the South China Sea area. It was agreed to establish a list of contact points in the various countries in order to improve communications and networking between relevant officials. It also considered the possibility of holding a TWG meeting on Safety of Navigation, Shipping and Communications to further study:

- i. the improvement of the education of mariners;

- ii. improvement in radio beacon systems, particularly in the central part of the South China Sea;
- iii. development of contingency plan for disaster prevention and relief; and
- iv. dissemination of weather information and networking.

The Workshop will take a decision on the matter after the necessary papers have been distributed to the participants by the end of March 1994. It was proposed that Brunei Darussalam would host such a meeting.

13. The Workshop felt that major efforts have been made to stimulate cooperation in the South China Sea area and to attempt to transform the potential conflicts into potential cooperation through dialogues and various proposals which have been made towards this end.

The workshop felt that the general political situation in the South China Sea area is much more stable now and is conducive to promote the cooperative efforts. It felt that this opportunity should be seized and utilized by the political leadership in the South China Sea region in order to ensure its stability and development.

In this context, the need for intensifying confidence-building measures are increasingly felt. Pursuant to the Bandung Statement 1991 and the Manila ASEAN Declaration of 1992, the Workshop urged states to exercise restraint in order to create a positive atmosphere for the eventual resolution of all disputes. The Workshop also urged the respective claimant parties to resolve their disputes by peaceful means and not to use force or threats of force as a means to settle disputes.

14. In view of recent development in and around the South China Sea region, some participants also felt that the time to formalize the activities of the Workshop may also have come, particularly in order to engage governments or authorities much more strongly in this endeavor. According to this view, this is becoming more important, since, unlike in other regions of the world, at this moment there is no formal mechanism for cooperation in the South China Sea area as a whole. Others were of the view that formalization may be too early at this stage. The Workshop will continue discussion on this matter in the future.

15. The Workshop encouraged states which have bilateral or trilateral delimitation problems, either for territorial sea, contiguous zone, economic zone or continental shelf, to seek solutions with a view to preventing them from becoming other sources of friction in the South China Sea area.

16. The participants reiterated their agreement to cooperate, particularly in the field of environmental protection, marine scientific research, overcoming the problem of refugees, search and rescue, and to fight against piracy and illicit traffic in drugs.

17. The Workshop agreed that it had reached a stage where it would have to concretize programs or projects to realize cooperative efforts on the basis of a step by step approach, cost effectiveness, starting from the least controversial issues or matters, and involving all parties for the mutual benefit of all.

18. It was agreed to invite participants from Cambodia to attend the next Workshop. In addition, non-South China Sea states and other regional and global organizations would also be invited, as necessary, to be involved and participate in the realization of specific projects of cooperation.

19. The Workshop offered opportunities to interested parties to express their views on territorial claims in the Spratly and the Paracel island groups. No debate took place on this issue. Several measures for confidence-building were proposed. Discussion took place on some of them. The Workshop will keep in review those measures suggested for further consideration.

20. The next Workshop will be convened in 1994.

21. The Workshop was conducted in an atmosphere of frankness, friendliness and mutual understanding.

22. The Workshop expressed appreciation to Indonesia for having organized the meeting and to Canadian and other contributions to the Workshop and its activities.

The Fifth Workshop on Managing Potential Conflicts in the South China Sea. Bukittinggi, Indonesia 26-28 October, 1994

1. The Fifth Workshop on Managing potential conflicts in the South China Sea was held in Bukittinggi, Indonesia on October 26-28, 1994. The Workshop was convened by the Research and Development Agency of the Department of Foreign Affairs of Indonesia and the Pusat Studi Kawasan Asia Tenggara, and supported by the Canadian International Development Agency (CIDA) through the South China Sea project of the Asia-Pacific Ocean Cooperation programme at the University of British Columbia, and various governmental and non-governmental institutions in Indonesia, in particular the Provincial Government of West Sumatra, the Directorate Generals of Sea Communication and of Fisheries, and the PERTAMINA National Oil Company.

2. Sixty nine participants from around the South China Sea attended the workshop. Resource persons from Canada and Indonesia also assisted the discussions.

3. The workshop was opened by His Excellency Ali Alatas, the Foreign Minister of Indonesia, and was conducted on an informal basis whereby participants attended in their personal capacities. Decisions and recommendations were reached by consensus.

4. The participants engaged in frank and constructive discussions on a number of issues of common concern, in a spirit of friendship and cooperation.

5. The participants agreed:

a. to recommend to their respective authorities to identify their respective focal points with whom the coordinators on fisheries (Thailand) hydrocarbon resources (Indonesia) and non-hydrocarbon non-living resources (Vietnam) will work to realize cooperative programmes. The names of the focal points and the three coordinators shall be conveyed to Amb. Djalal by January 31, 1995.

b. to give Amb. Djalal the authority to seek support and funding for the "Proposed Collaborative Research Project on Biological Diversity in the South China Sea," drafted at the Third Meeting of the Technical Working Group for Marine Science Research in the South China Sea held in Singapore, April 1994.

c. to form a "Group of Experts" on biodiversity to assist, when called upon, in the drafting of any changes needed to the "Proposed Collaborative Research Project on Biological Diversity in the South China Sea" proposal as may be suggested by potential donors.

d. that all participants be invited to nominate one marine science expert to be a part of the aforementioned "Group of Experts" on biodiversity, and that these nominees be submitted to Amb. Djalal by January 31, 1995.

e. to endorse the "Technical Working Group Statement of the First Meeting of Technical Working Group on Marine Environmental protection held in Hangzhou, October 6-8, 1994.

f. to name their respective nominees for the "Group of Experts" on Marine Environmental protection, as stated in the Hangzhou "Technical Working Group Statement" to Amb. Djalal, by January 31, 1995.

g. that a Technical Working Group on Legal Matters be convened in Thailand some time in mid-1995. The Technical Working Group will avoid the discussion on sensitive territorial and sovereignty claims, but will focus on, inter-alia,:

i. Implications of the entry into force of the Law of the Sea convention and relevant regional and global agreements that have impacts on cooperative efforts in the South China Sea.

ii. Legal aspects of proposals for confidence building measures and cooperation advanced at the workshops and Technical Working Group Meetings.

h. all participants are asked to consult with their authorities with regard to the possibility of hosting the First Meeting of the Technical Working Group on Shipping, Navigation and Communication, and will convey, as appropriate, their willingness to do so to Amb. Djalal by December 31, 1994.

i. that the First Meeting of the Technical Working Group on Shipping, Navigation and Communication will, when it is convened, also include the topics relating to, inter alia, search and rescue, piracy, and illicit drug trafficking. The problems of refugees at sea may be also be considered for discussion by the Technical Working Group.

j. that the Fourth Technical Working Group on Marine Science Research will be convened to finalize the proposals of Database, Information Exchange and Networking, and the proposal on Sea-level and Tide Monitoring. Such a Technical working Group would be convened in Vietnam in the first half of 1995.

k. that it is premature to consider institutionalizing or formalizing the workshop process; however, the implementation of agreed project proposals might require participation of official government agencies.

l. to thank the western Pacific Fisheries Consultative Committee (WPFCC) and the Pacific Economic Cooperation Council (PECC) Fisheries Task Force for their offers of assistance in promoting cooperation in relation to fisheries development in the South China Sea, and agreed that these offers will be taken up if and when necessary, and as appropriate.

m. to thank the Regional Programme for the Prevention and Management of Marine Pollution in the East Asian Seas for its offer of cooperation to the Workshop, and agreed that this offer will be taken up if and when necessary, and as appropriate.

n. to reiterate the Statement from the Surabaya Workshop: "to invite non-South China Sea states and other regional and global organizations, as necessary, to be involved and participate in the realization of specific projects of cooperation."

6. The participants discussed confidence building measures in regard to potential disputes in the South China Sea (particularly in the Spratly and Paracel), as suggested in the previous workshops, particularly on the need for non-expansion of existing military presence. The majority of the participants expressed support for the need of the non-expansion of existing military presence, while some participants felt difficulty in expressing their views at this time. Some believed that it was not necessary to adopt any of these measures for the time being. The majority believed that the non-expansion of existing -military presence was fundamental.

7. The participants expressed gratitude to the South China Sea Informal Working Group of the University of British Columbia in supporting the preparations for the Workshop series.

8. The participants expressed their appreciation to Indonesia for its sincere efforts in organizing the workshop; they urged Indonesia to continue its constructive role in the Workshop series.

9. The participants agreed to convene the sixth workshop in 1995.

The Sixth Workshop on Managing Potential Conflicts in the South China Sea Balikpapan, Indonesia on 9-13 October 1995

The Sixth Workshop on Managing Potential Conflicts in the South China Sea was held in Balikpapan, Indonesia on 9-13 October 1995. The Workshop was convened by the Agency for Research and Development of the Department of Foreign Affairs of Indonesia and the Centre for Southeast Asian Studies (Pusat Studi Kawasan Asia Tenggara), and supported by the Canadian International Development Agency through the South China Sea project of the Asia-Pacific Ocean Co-operation Programme at the University of British Columbia, and a number of Governmental and non-Governmental institutions in Indonesia.

Forty-three participants from around the South China Sea attended the Workshop, together with resource persons from Canada, Indonesia, Malaysia and Singapore. The Workshop was conducted on an informal basis whereby participants attended in their private capacities. Decisions and recommendations were reached by way of consensus.

The Workshop was opened by H.E. Mr. Ali Alatas, Minister of Foreign Affairs of the Republic of Indonesia, who also delivered the Keynote Address.

The participants engaged in frank and constructive discussions on a number of issues, in a spirit of friendship and co-operation. It was reiterated that nothing in the Workshop or any related meetings prejudiced or affected territorial or jurisdictional claims or positions in the South China Sea.

The Workshop was briefed by Dr. Hasjim Djalal on the progress to date of the project proposals developed by the Technical Working Groups and Workshop on Managing Potential Conflicts in the South China Sea. The Workshop expressed satisfaction with the progress made and thanked Dr. Djalal for his work.

The Workshop was briefed by a participant from Vietnam on the results of the Fourth Meeting of the TWG-MSR held in Hanoi in June, 1995. The Workshop:

requested Dr. Djalal to continue his efforts to solicit funding for the proposed "Collaborative Research Project Proposal on Biological Diversity in the South China Sea" as approved by the Fifth Workshop in Bukittinggi, October 1994, and acknowledged the list of focal points for the project forwarded at the Fourth Meeting of the TWG-MSR in Hanoi, June, 1995;

noted endorsed the statement of the Fourth Meeting of the TWG-MSR, Hanoi, June, 1995;

approved the project proposal entitled "The Study of Tides and Sea Level Change and Their Impact on Coastal Environment in the South China Sea as Affected by Potential Climate Change", subject to the nomination of a tidal station outside the disputed areas in the Straits of Singapore.;

agreed that no tidal stations identified or mentioned in the project will be situated in disputed areas. However, the participants acknowledge the scientific value of tidal information and agree that data originating from any source may be used. The majority of participants are of the view that the use of such information will in no way influence claims in disputed areas or create a basis for constructing further stations in disputed areas;

approved the proposed project entitled "A Proposal for Regional Co-operation in the Field of Marine Science Data and Information Network in the South China Sea", as accepted at the Fourth Meeting of the TWG-MSR, Hanoi, June, 1995;

agreed to forward the foregoing project proposals to their respective authorities for positive consideration of implementation. The participants further agreed to elicit the response of their respective authorities to the approved project proposal. The results of their inquiries are to be communicated to Dr. Djalal, if possible, by December 31st, 1995; and

requested Dr. Djalal to begin the process of approaching funding agencies for support for the two proposals.

The Workshop was also briefed by a participant from Thailand on the results of the First Meeting of the Technical Working Group on Legal Matters held in Phuket in July, 1995. The Workshop:

endorsed the statement of the First Meeting of the Technical Working Group on Legal Matters, Phuket, July, 1995;

noted the willingness of Thailand to host the Second Meeting of the Technical Working Group on Legal Matters;

noted the importance of the participation by all the participants of the Sixth Workshop in the second TWG-LM;

The Workshop was also briefed by a participant from Indonesia on the results of the First Meeting of the TWG-SNSC, held in Jakarta, October, 1995. The Workshop:

endorsed the substantive contents of the statement of the First Meeting of the TWG-SNSC, Jakarta, October, 1995;

endorsed the holding of a special meeting of experts in the field of training of mariners to discuss the points presented at the workshop pertaining to cooperation and co-ordination in the training of seafarers among South China Sea participants;

recommended that enforcement officials of the South China Sea participants discuss how to deal more effectively with piracy issues, and whether and in what way the TWG-SNSC can facilitate such co-operative ventures; and

agreed that the TWG-SNSC continue its work and to hold its second meeting at a venue and date to be decided at a later date after consultation undertaken by Dr. Djalal.

Offers to host specific TWGs were also made. The participants agreed to request Dr. Djalal to conduct consultations with the relevant participants to determine the agenda, the time and venue of the relevant TWG meetings.

On mechanisms for cooperation, the Workshop agreed to continue with the present arrangement. The Workshop requested Dr. Djalal to act as a contact point for the Workshop while the approved projects are being considered and developed for or by interested funding agencies.

The participants agreed to make every effort to look into the various proposals and recommendations that had been made in the previous workshops with a view to formulating them into concrete realisable project proposals for discussion at further meetings.

The participants also agreed to continue to work on increasing co-operative efforts and confidence building in the South China Sea region.

The participants were encouraged by the series of dialogues recently taking place among some of the countries concerned, either bilaterally or multilaterally, formally or informally. The participants expressed their fervent hope that this series of dialogues would continue and extend further so as to contribute to creating an atmosphere of consultation, understanding, trust and calm which ultimately would help to diminish the potential for conflict in the South China Sea. The meeting noted that eight principles for a code of conduct were agreed between the People's Republic of China and the Philippines, and that these constitute confidence building measures in the region.

Some participants suggested various confidence building measures in regard to potential disputes in the South China Sea. Some of the participants believed that the workshop process as a whole was a CBM, and therefore it was not necessary to discuss other CBMs. Other participants believed that the workshop should look into ways how to promote other CBMs at the next

meeting.

The participants agreed to convene the seventh Workshop in Indonesia in 1996. The venue and date of the seventh workshop will be communicated by Indonesia in due course.

The participants expressed their appreciation to Indonesia for its sincere efforts in organising the present Workshop. They urged Indonesia to continue its constructive role in organising the Workshop series. They also expressed gratitude to Canadian International Development Agency for its support.

The Eighth Workshop on Managing Potential Conflicts in the South China Sea

Pacet, Puncak, West Java, 2-6 December 1997

1. The Eighth Workshop on Managing Potential Conflicts in the South China Sea was held in Pacet, Puncak, West Java, Indonesia, 2-6 December 1997.
2. Over 100 Participants from around the South China Sea attended the meeting, including Resource Persons from Australia, Canada, Indonesia, and Singapore.
3. The Workshop was organized by the Research and Development Agency of the Department of Foreign Affairs of the Republic of Indonesia, assisted by Pusat Studi Kawasan Asia Tenggara and the South China Sea Informal Working Group at the University of British Columbia, with support from the Canadian International Development Agency, and a number of Indonesian organisations.
4. The Workshop was conducted on an informal basis whereby participants took part in their personal capacities. Workshop decisions were reached by way of consensus.
5. The Workshop was opened by the Minister of Foreign Affairs of the Republic of Indonesia, H.E. Dr. Ali Alatas. In his Keynote Address, the Minister provided an overview of the Workshop's achievements to date. Minister Alatas observed that in the future it may be possible for the South China Sea Workshop process to work in conjunction with track one processes such as the ASEAN Regional Forum (ARF) and the ASEAN-China Dialogue. He urged the Participants to consolidate the substantial progress that has been made by pursuing the implementation of the agreed projects. He concluded by thanking CIDA for its continued support of the Workshop Process.
6. The Workshop Agenda was as follows:
 - a. The Workshop Process; b. Progress of the Technical Working Group on Marine Environmental Protection in the South China Sea (TWG-MEP); c. Progress of the Technical Working Group on Legal Matters (TWG-LM); d. Progress of the Technical Working Group on Safety of Navigation, Shipping, and Communication in the South China Sea (TWG-SNSC); e. Progress in Marine Scientific Research and Marine Environmental Protection; f. The Technical Working Group on Resource Assessment and Ways of Development (TWG-RAWD); g. Implementation of Agreed Programmes for Cooperation, and h. Confidence Building Measures.
7. Participants were briefed by Dr. Hasjim Djalal on the Achievements of the Workshop Process to Date and Prospects for the Future. H.E. Ambassador Gary Smith of Canada, representing the Canadian International Development Agency (CIDA), confirmed Canada's continued support for the Workshop Process, and the willingness of CIDA to offer additional support for seeking funds to implement agreed projects. The Participants expressed their appreciation for CIDA's continued support.

8. The Participants agreed that:

a. the Workshop Process should now focus on implementation of the agreed projects and programmes for cooperation; and b. the Workshop Process should continue to exchange ideas and views as a Confidence Building Measure (CBM) in itself.

9. The Workshop received and discussed the reports of:

a. The First Group of Experts Meeting on Marine Environmental Protection in the South China Sea (GEM-MEP), Phnom Penh, 9-11 June 1997;

b. The Second Meeting of the TWG-MEP, Haikou, 14-15 October 1997;

c. The Second Meeting of the TWG-LM, Chiang Mai, 13-17 May 1997;

d. The First Group of Experts Meeting on Education and Training of Mariners (GEM-ETM), Singapore, 7-10 May 1997;

e. The First Group of Experts Meeting on Hydrographic Data and Information Exchange in the South China Sea (GEM-HDI), Kuching, 12-15 June 1997; and

f. The Training Programme on Biodiversity, Singapore, 3-10 May 1997.

10. The Workshop endorsed the following meeting statements:

a. The Meeting Statement of the Second TWG-MEP;

b. The Meeting Statement of the Second TWG-LM;

c. The Meeting Statement of the First GEM-ETM; and

d. The Meeting Statement of the First GEM-HDI.

11. The Workshop thanked Singapore for convening the South China Sea Training Programme on Biodiversity, and noted the recommendations of the meeting.

12. The Workshop agreed to convene the following meetings in 1998:

a) a Study Group on Zones of Cooperation, including analysis of existing joint development arrangements, in the period April to June 1998;

b) the Second GEM-HDI to be convened in the period April to June, 1998;

c) the Third Meeting of the TWG-SNSC, immediately after the Second GEM-HDI;

d) a GEM-LM to discuss marine environmental legislation in the period July to September, 1998;

e) the Third Meeting of the TWG-LM immediately after the First GEM-LM;

f) a joint GEM-MSR and GEM-MEP concurrently or consecutively in the period September-October, 1998;

g) a GEM on Non-Living and Non-Hydrocarbon Resources in the period October to December, 1998; and

h) The Ninth Workshop on Managing Potential Conflicts in the South China Sea in Indonesia towards the end of 1998.

13. The Workshop noted offers by several participants to host a future meeting, subject to confirmation.
14. The Workshop agreed that the precise timing and venue of the meetings planned for 1998 will be determined by consultations between the hosts, Dr. Djalal, and the SCSIWG UBC.
15. The Participants agreed to request their respective authorities to specify or quantify their stated support and contribution for the agreed projects and programmes for cooperation. The Participants agreed to communicate the results of their consultations to Dr. Djalal as soon as possible.
16. Mr. Sam Bateman of the University of Wollongong briefed the Workshop on the Maritime Spatial Information System for the South China Sea developed in Australia. The Participants acknowledged with thanks this useful effort and noted that the system could be useful for the Workshop Process if it is developed further.
17. Due to time constraints, the Workshop did not have the opportunity to discuss Confidence Building Measures. However, Participants agreed to include this topic in future meetings.
18. Discussions were held in a frank and constructive manner, and in a spirit of cooperation and mutual confidence.
19. Participants expressed their appreciation to Indonesia for organizing the Workshop, and requested Indonesia to continue with its constructive and valuable efforts. The participants also expressed their gratitude to CIDA, and for the Canadian as well as other contributions to the meeting.

Pacet, Puncak, West Java, 5 December 1997

The Ninth Workshop on Managing Potential Conflicts in the South China Sea

Ancol, Jakarta, December 1 - 3, 1998

1. The Ninth Workshop on Managing Potential Conflicts in the South China Sea was held in Jakarta, Indonesia, December 1 - 3, 1998.
2. One hundred participants and observers from around the South China Sea attended the meeting. Resource Persons from Indonesia, Malaysia, Canada, and the United Nations Environment Programme (UNEP) were also present.
3. The Workshop was organised by the Research and Development Agency of the Department of Foreign Affairs of the Republic of Indonesia, assisted by Pusat Studi Kawasan Asia Tenggara and the South China Sea Informal Working Group at the University of British Columbia, and supported by the Canadian International Development Agency (CIDA), and a number of Indonesian organisations.
4. The Workshop was conducted on an informal basis whereby participants took part in their personal capacities. Discussions were held in a frank and constructive manner, and in a spirit of co-operation and mutual confidence. Workshop decisions were reached by way of consensus.
5. The Agenda of the Workshop was as follows:

Opening Ceremony

Session I - Background Session

Session II - Marine Scientific Research and Marine Environmental Protection in the South China Sea

Session III - Resource Assessment and Ways and Means of Development

Session IV - Legal Matters and Confidence Building Measures

Session V - Safety of Navigation, Shipping, and Communication

Session VI - Workplan for 1999

Session VII - Consideration of Workshop Statement.

6. The Workshop received and discussed the following Reports:

- a. The Study Group on Zones of Co-operation (SG-ZOC) Vientiane, 15-16th June, 1998.
- b. The Third Meeting of the Technical Working Group on Legal Matters (TWG-LM-3), Pattaya, 12-16 October, 1998.
- c. The Second Meeting of the Group of Experts (GEM) on Hydrographic Data and Information Exchange (GEM-HDI-2), Singapore, 20th October, 1998.
- d. The Third Meeting of the Technical Working Group on Safety of Navigation, Shipping and Communication (TWG-SNSC-3), Singapore, 21-22nd October, 1998.
- e. Sixth Meeting of the Technical Working Group (TWG) on Marine Scientific Research and the Second Meeting of the Group of Experts on Marine Environmental Protection (TWG-MSR-6/GEM-MEP-2), Manila, 25-28th November, 1998.
- f. The First Meeting of the Group of Experts on Non-living, Non-hydrocarbon Mineral Resources (GEM-NHM) Jakarta, 30th November, 1998.

Opening Ceremony

7. The Workshop was opened by the Minister for Foreign Affairs of the Republic of Indonesia, H.E. Dr. Ali Alatas. In his Keynote Address, the Minister extended his appreciation to the participants for their dedication to the Workshop process. He expressed his hope that, despite the financial and economic crisis experienced by some economies in the South China Sea area, the Workshop process should continue to move purposefully and effectively towards the implementation of the approved projects. He also stressed that the Workshop should expand the scope of its work to meet the need for more confidence building measures (CBMs). He commended the Workshop for its success in increasing universal interest in and awareness of South China Sea issues, since the stability of the South China Sea is crucial to regional as well as global peace and security. He concluded by thanking the Canadian government for its continued support for the Workshop process.

Session I - Background Session

8. Participants were briefed by Dr. Hasjim Djalal, Chairman of Pusat Studi Kawasan Asia Tenggara ("Pusat Studi"), and Professor Ian Townsend-Gault, Director of the South China Sea Informal Working Group at the University of British Columbia ("SCSIWG") on the objectives of the Workshop. They reviewed achievements of the Workshop process to date, and the work programme of the past year.

Session II - Marine Scientific Research and Marine Environmental Protection in the South China

Sea

9. The Participants endorsed the Meeting Statement of TWG-MSR-6/GEM-MEP-2 and specifically agreed that:

a. Dr. Djalal and Professor Townsend-Gault will communicate with UNEP regarding the implementation of some components of the Biodiversity Project which could be included within UNEP's Strategic Action Programme for the South China Sea;

b. Dr. Djalal should continue his efforts to seek funding for the agreed projects;

c. a Drafting Group would be convened to refine the proposal on training programme for Marine Ecosystem Monitoring; and,

d. a joint meeting of the TWG-MSR/MEP would be convened to review the work of the Drafting Group. This Meeting would include a GEM to advance the implementation of the Biodiversity Project, and a small meeting to initiate activities under the Biodiversity Project which should have been convened in early 1997, as indicated in Paragraph 17 of the Statement of the 7th Workshop, Batam, December 1996.

10. Resource Person Dr. John Pernetta, Senior Programme Officer, International Waters, UNEP Global Environmental Facility Co-ordination Office, Nairobi, gave a presentation on the work and activities of the East Asian Seas Regional Co-ordinating Unit (EAS/RCU). He indicated that UNEP could help with the implementation of some components of the Biodiversity Proposal. He indicated that he was willing to identify them, and he would brief UNEP with a view to seeking its co-operation. The Workshop thanked Dr. Pernetta for his briefing, and would discuss the possibility of developing co-operation with UNEP in the implementation of some of the components of the Biodiversity Project.

11. The Participants welcomed the indication of interest on the part of Singapore, communicated to the Manila meeting, in continuing to advance the training programme to standardise taxonomic classifications, and the development of a data base on the biodiversity of the South China Sea.

Session III - Resource Assessment and Ways and Means of Development

12. Participants discussed the Statement of GEM-NHM, which met in Jakarta on November 30, 1998, and endorsed it after amendment by the Workshop to clarify the meaning. The Participants agreed to seek the co-operation of the Coordinating Committee for Coastal and Offshore Geoscience Programmes in East and Southeast Asia (CCOP) to organise two meetings: the first would be to compile data on non-hydrocarbon mineral resources in the South China Sea; and the second would be to establish a data base to hold this information. It was agreed that Dr. Djalal and Professor Townsend-Gault would liaise with CCOP on this matter.

Session IV - Legal Matters and Confidence Building Measures

13. The Participants discussed and endorsed the recommendations of the SG-ZOC and the TWG-LM-3. The Participants specifically agreed:

a. To convene a second meeting of the Study Group on the Zones of Co-operation to explore further the topic, and issues involved. The Workshop welcomed the offer by certain participants to provide the Study Group with their documentation and experiences.

b. To convene a GEM on Law Enforcement and Illegal Acts at Sea in accordance with the recommendation of the 3rd TWG-LM and the 3rd TWG-SNSC to address the subject of unlawful acts in the South China Sea, particularly piracy, armed robbery at sea, and trafficking in illicit narcotics.

c. To convene a GEM on Environmental Legislation, as recommended by the 2nd TWG-LM.

d. To convene the 4th TWG-LM to review the progress on legal matters as well as to study

further relevant questions.

14. Within the context of discussing confidence building measures, including guidelines and a code of conduct in the South China Sea, the participants agreed that the 4th TWG-LM will continue to study and discuss this topic. The participants agreed that the Workshop process, including elements of a code of conduct, would be important confidence building measures, which would be an important aspect in the promotion of understanding, trust, peace, stability, prosperity and co-operation in the South China Sea. The Participants noted the preliminary compilation prepared by the Resource Persons from various documents on the matter. The Participants were encouraged to forward comments on the document to Pusat Studi or SCSIWG, and to provide the Resource Persons with further documentation whenever available.

15. That Participants may forward their views and opinions on zones of co-operation and joint co-operation/development to Pusat Studi or SCSIWG, and these views and opinions may be presented to the 2nd SG-ZOC.

Session V - Safety of Navigation, Shipping and Communication

16. The Participants discussed and endorsed the recommendations contained in the Statement of the GEM-HDI-2, Singapore, October, 1998, and agreed to convene a third GEM-HDI to discuss further the Survey Proposal, and the Draft Agreement for the Exchange of Hydrographic Data and Information.

17. The Participants also discussed and endorsed the recommendations in the Statement of the 3rd TWG-SNSC, Singapore, October, 1998, and agreed to convene a GEM on Search and Rescue, to develop co-operative efforts on this matter as outlined in the Paragraph 14 of the Statement of the 3rd TWG-SNSC.

18. The Participants agreed to recommend to their respective authorities:

- a. to consider ratification of the Rome Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988;
- b. to consider ratification of the International Convention on Civil Liability for Oil Pollution Damage, 1992;
- c. to consider ratification of the International Convention on the Establishment of International Fund for Compensation for Oil Pollution Damage, 1992; and
- d. to consider ratification of the International Convention on Oil Spill Pollution and Preparedness, Response and Co-operation, 1990.

Session VI - Workplan 1999

19. Dr. Djalal reported on his efforts with regard to the progress to date in implementing the agreed project proposals, particularly the Biodiversity Proposal. He reported that he had contacted the various authorities in the South China Sea area on this matter. He noted that there had been general support for the project, either from the authorities and institutions in the region, or from various regional and international organisations. He also indicated that certain regional countries had already contributed some seed funding for the implementation of the Biodiversity Project. He referred the Participants to the previous agreement as stated in the Statement of the 8th Workshop (Pacet, Puncak, December, 1997), that "the participants request their respective authorities to quantify their stated support and contribution for the agreed projects and programmes for co-operation, and to communicate the results of their approach to (Dr Djalal) as soon as possible." He also noted that further consultation is continuing with CIDA with regard to the latter's willingness to provide "additional financial support for seeking funds to implement agreed projects".

20. The Workshop agreed to convene the following meetings in 1999:

- a. Second Study Group on Zones of Co-operation;
- b. Third GEM-HDI;
- c. the Drafting Group for the MEP proposal on Training Programme for Ecosystem Monitoring;
- d. GEM on Law Enforcement and Unlawful Acts at Sea;
- e. GEM on Environmental Legislation;
- f. Fourth Meeting of the TWG-LM;
- g. A Small Meeting to Initiate Activities under the Biodiversity Project, as decided at the Paragraph 17 of the Statement of the 7th Workshop, Batam, December, 1996, should be held in conjunction with the GEM on Biodiversity. A Joint TWG-MSR/MEP, incorporating the GEM on Biodiversity, should be held immediately prior to the Marine Science Institute Conference on the South China Sea (18-22nd October 1999);
- h. a GEM on Search and Rescue;
- i. The Meeting for the Compilation of Geoscience Data of the South China Sea;
- j. The Tenth Workshop on Managing Potential Conflicts in the South China Sea.

21. The Workshop noted offers by several participants to host a future meeting, subject to confirmation. The Workshop noted, with appreciation, the offers by China, Indonesia, Laos, Malaysia, the Philippines, Chinese Taipei, Thailand, and Vietnam to host a future meeting.

22. Methods for facilitating communications between Pusat Studi and SCSIWG, and the Participants, were recommended and considered

23. In order to further the Workshop process, the participants were encouraged to report to the Workshop as to how their respective authorities are implementing the agreed projects. They were likewise encouraged to report on how they are implementing the other recommendations of the Workshop.

24. The Workshop agreed that the precise timing and venue of the meetings for 1999 will be determined by consultations between the potential hosts, Pusat Studi, and the SCSIWG.

25. The Participants agreed to request again that their respective authorities specify or quantify their stated support and contribution for the agreed projects and programmes for co-operation. The Participants agreed to communicate the results of their consultations to Dr. Djalal as soon as possible.

26. Participants expressed their appreciation to Indonesia for organising the Workshop, and requested that Indonesia to continue with its constructive and valuable efforts. The participants also expressed their gratitude to CIDA, and for the Canadian and other contributions to the meeting.

Ancol, Jakarta, December 3, 1998

The Tenth Workshop on Managing Potential Conflicts in the South China Sea

Bogor, West Java, Indonesia, December 5 - 8, 1999

1. Pursuant to the recommendations of the Ninth Workshop on Managing Potential Conflicts in

the South China Sea, held in Ancol, Java, Indonesia, November 30 - December 4, 1998, the Tenth Workshop on Managing Potential Conflicts in the South China Sea was held in Bogor, West Java, Indonesia, December 5-8, 1999.

2. The Meeting was hosted by the Research and Development Agency of the Department of Foreign Affairs of the Republic of Indonesia, assisted by the Pusat Studi Kawasan Asia Tenggara (Pusat Studi), Jakarta, Indonesia, and the South China Sea Informal Working Group (SCSIWG) at the University of British Columbia, Vancouver, Canada, with support from the Asia-Pacific Ocean Co-operation Programme of the Canadian International Development Agency (CIDA).

3. Seventy-eight participants and observers from around the South China Sea attended the Meeting, assisted by Resource Persons from Canada, China, Indonesia, Malaysia, Singapore, Viet Nam, and the United Nations Environment Programme.

4. The Meeting was conducted on an informal basis whereby Participants took part in their personal capacities. Meeting decisions were reached by way of consensus.

5. The Participants engaged in frank and constructive discussion in a spirit of friendship and co-operation.

6. The Meeting was convened to discuss the work of the Workshop Process in 1999, and to set priorities for activities in 2000.

7. The Meeting Agenda was as follows:

Opening Ceremony

Session I Background Session and Objectives of the Meeting

Session II Marine Scientific Research

Session III Safety of Navigation and Communications

Session IV Resource Assessment and Ways of Development

Session V Legal Matters

Session VI Marine Environmental Protection

Session VII Review of Progress with Implementation of Agreed Projects of Co-operation

Session VIII Assessment of the Progress of the Workshop Process So Far

Session IX Consideration of the Meeting Statement.

8. The Meeting was opened by H.E. Dr. Alwi Shihab, Minister of Foreign Affairs of the Republic of Indonesia, and H.E. Mr. Adian Silalahi, Head of the Research and Development Agency of the Department of Foreign Affairs of the Ministry of Indonesia. In his Address, the Minister welcomed Participants to Bogor. He re-affirmed Indonesia's firm commitment to the Workshop Process, and encouraged all participants to pursue the active implementation of the agreed projects. He re-emphasised the need to promote stability, dialogue and co-operation in the South China Sea region.

9. In Session I, Dr. Hasjim Djalal outlined progress with the Workshop Process. He referred to agreements with regard to several principles for co-operation and the agreements on specific projects. He stated his belief that the atmosphere of co-operation has improved, despite some difficulties.

10. In Session II, Resource Person Mr. Glen Hearn summarised the work of the Technical Working Group on Marine Scientific Research (MSR) and reported on the status of implementing the various proposals developed under this TWG. The presentation of Resource Person Dr. Yihang Jiang stressed that degradation of the marine environment in the South China Sea is occurring at a rate which requires urgent action in priority areas such as habitat conservation.

11. In Session III, the Workshop discussed and endorsed the Report and recommendations of the First Group of Experts Meeting on Search and Rescue and Illegal Acts at Sea, Kota Kinabalu, Malaysia, June 21-25, 1999. They agreed that priority in this GEM should be given to combating piracy and armed robbery against ships, and enhancing search and rescue arrangements in the

South China Sea region. They agreed on the importance of hydrographic data and information exchange for the safety of navigation in the South China Sea.

12. In Session IV, the Workshop discussed and endorsed the Report and recommendations of the Second Meeting of the Study Group on Zones of Co-operation, Tabanan, Bali, Indonesia, June 27-July 1, 1999. The participants agreed that informal discussions on zones of co-operation are of great benefit to the region and should continue.

13. In Session V, Participants discussed and endorsed the Report and recommendations of the Fourth Technical Working Group Meeting on Legal Matters, Koh Samui, Thailand, September 27-28, 1999, as presented by Thailand. Participants:

- noted and expressed support for the efforts of another forum (ASEAN China Dialogue) to develop a code of conduct for the South China Sea region, and agreed to continue exchanging views on a codes of conduct in this Workshop;

- agreed to encourage their respective authorities to ratify and/or implement the relevant international and regional conventions pertinent to the safety of navigation, shipping and communication, marine scientific research, environmental protection etc; and

- agreed that deliberations on legal matters should continue.

14. In Session VI, Participants discussed and endorsed the Report and recommendations of the First Group of Experts Meeting on Environmental Legislation, Shanghai, China, September 22-23, 1999. There was consensus that the protection of marine habitat deserved high priority.

15. In Session VII, Dr. Djalal and Professor Ian Townsend-Gault updated Participants on the status of the agreed projects for co-operation. Participants urged that implementation deserved high priority.

16. In Session VIII, Participants assessed the progress of the Workshop process and discussed ways to proceed into the new millennium. Different views were expressed on the pace of progress. Several suggestions were made on how to improve the Workshop process and the linkages between the process and authorities in region.

17. With regard to specific activities, the Participants:

a) Called for renewed efforts to secure support for and the continued implementation of the agreed co-operative projects, particularly as regards Biodiversity, Sea-level and Tide Monitoring, Information and Networking, Marine Ecosystem Monitoring, and the preparation of the Geoscience Database. In this connection, they welcomed the proposal from a Regional Expert to organise a joint biodiversity baseline study in Indonesian waters. Participants requested Dr. Djalal to take up this offer and to secure support for its implementation.

b) Requested Pusat Studi/SCSIWG to prepare a study of international practice in establishing principles of regional co-operation for the protection and preservation of the marine environment, and to consider their relevance to the South China Sea region. The study will be submitted to the Second Meeting of the GEM on Environmental Legislation, and to the Fifth TWG on Legal Matters.

18. Participants agreed that the following meetings should be held in 2000:

a) The Third Meeting of the Group of Experts on the Exchange of Hydrographic Data and Information to further discuss the draft agreement on the exchange of hydrographic data and information, the proposed joint hydrographic survey of a part of the South China Sea, and commence the implementation of the Co-operative Project on Sea-level and Tide Monitoring;

b) The Second Meeting of the Group of Experts on Search and Rescue and Illegal Acts at Sea focussing on the suppression of piracy and armed robbery at sea and search and rescue. They further agreed that, if resources were available, a Group of Experts Meeting on Oil Spill and

Chemical Spill Contingency Planning should be convened also;

- c) The Third Meeting of the Study Group on Zones of Co-operation in the South China Sea:
- i) to keep under review the different forms of maritime co-operation developed in the region and elsewhere;
 - ii) to identify models, examples, or practices from elsewhere which might be useful in the South China Sea; and
 - iii) to investigate the possibility of commercial co-operation in petroleum activities and other fields in the south china sea, inviting the relevant experts in their personal capacities as resource persons.
- d) The Second Meeting of the Group of Experts Meeting on Environmental Legislation to study habitat protection in the South China Sea region;
- e) The Second Meeting of the Group of Experts on Non-living, Non-hydrocarbon Mineral Resources to compile a geoscience database on non-hydrocarbon mineral resources in the South China Sea;
- f) The Fifth Meeting of the TWG on Legal Matters to consider legal issues arising from the work of the other TWGs, the study of international practice on marine co-operation, and an exchange of views on the interpretation of UNCLOS as it relates to co-operation in the South China Sea;
- g) The 11th Workshop on Managing Potential Conflicts in the South China Sea.

19. The Workshop agreed that the precise timing and venue of the above meetings will be determined by consultations between the potential hosts, Pusat Studi, and the SCSIWG.

20. Participants asked Pusat Studi/SCSIWG to prepare and circulate, in advance, relevant reports, compilations and studies as background materials for the above meetings..

21. The Workshop noted offers by several participants to host a future meeting, subject to confirmation.

22. In order to further the Workshop process, the participants were encouraged to report to the Workshop as to how their respective authorities are implementing the agreed projects. They were likewise encouraged to report on how they are implementing the other recommendations of the Workshop.

23. The Participants agreed to request again that their respective authorities specify or quantify their stated support and contribution for the agreed projects and programmes for co-operation. The Participants agreed to communicate the results of their consultations to Dr. Djalal as soon as possible.

24. The Participants expressed their appreciation to the Research and Development Agency of the Department of Foreign Affairs of Indonesia for organising and hosting the Meeting. They also expressed their gratitude to CIDA for its support, and to Pusat Studi/SCSIWG for its assistance.

Bogor, West Java, Indonesia, December 7, 1999

Appendix F

List of Those Interviewed (Confidential)

Dr. Amitav Acharya
Institute of Defence & Strategic Studies
NTU, Singapore

Ambassador Asda Jayanama
Permanent Representative of Thailand to the United Nations

Mr. Sar Sambath
Deputy Director-General
ASEAN Affairs
Ministry of Foreign Affairs, Phnom Penh

Mr. Lutfi Rauf
Asia Pacific Affairs Section
Department of Foreign Affairs, Indonesia

Ambassador Terence O'Brien
President
Institute for Strategic Studies, Victoria University of Wellington

Colonel Rudi Soestraneneo (rtrd.)
Ministry of Defence, Indonesia

Dr. Charivat Santaputra
Deputy Permanent Representative of Thailand to the United Nations

Mr. Ison Pocmontri
Director, Policy Planning Division
Ministry of Foreign Affairs, Thailand

Mr. Tran Ngoc An
ASEAN Department,
Hanoi, Vietnam

Mr. Zainol rahim Zainuddin
Assistant Secretary
Policy Planning Division
Ministry of Foreign Affairs, Malaysia

Appendix G

ARF Meetings and Activities

Dates	Meeting - Chair(s) – Place
2000-2001 Intersessional Meetings	
First Track	
30-31 October 2000	Experts Group Meeting on Transnational Crime – Republic of Korea & Malaysia - Seoul
1-3 November 2000	Intersessional Support Group (ISG) on Confidence Building Measures (CBMs) – Republic of Korea & Malaysia - Seoul
April 2001	ISG on CBMs: Second Meeting – Republic of Korea & Malaysia – Kuala Lumpur
Expert Level	
21-25 August 2000	Combined Humanitarian Assistance Response Training Course – USA & Singapore - Singapore
20-22 September 2000	Seminar on Defence Conversion Cooperation – China - Beijing
September 2000	Fourth Meeting of Heads of Defence Universities, Colleges and Institutions – China - Beijing
September 2000	Conference on Enhancing Capacities of Early Warning Systems – Phillipines - Manila
2-4 October 2000	Seminar on Approaches to Confidence Building – Finland & Indonesia - Helsinki
3 rd Week October 2000	Training Course for Disaster Managers in ARF Countries – Thailand & Australia - Bangkok
18-20 October 2000	Workshop on Anti-Piracy – India - Mumbai
February 2001	Civil-Military Relations in Peacekeeping Operations – Republic of Korea & Canada - tbc
	Seminar on Transparency and Responsibility in Transfers of Conventional Weapons – Canada, Japan & ASEAN country – tbc
Seventh ARF	
26 July 1999	<u>ARF7 (Foreign Ministers Meeting)</u> - Thailand - Bangkok
20-22 May 1999	<u>7th ARF SOM (Senior Officials Meeting)</u> - Thailand - Bangkok

1999-2000 Intersessional Meetings

First Track

- 13-14 Intersessional Support Group (ISG) on Confidence Building Measures
November 1999 (CBMs) – Japan & Singapore - Tokyo
5-7 April 2000 ISG on CBMs: Second Meeting – Japan & Singapore – Singapore

Expert Level

- September 1999 Third Meeting of Heads of Defence Universities, Colleges and
Institutions - Mongolia – Ulan Bator
10-19 October Professional Program on China's Security Policy - China - Beijing
1999
13-16 Seminar on the Law of Armed Conflict - Australia - Williamstown
December 1999
March 2000 Defence Language Schools Seminar - Australia - Melbourne
23-28 April Professional Development Program - Brunei – Bandar Seri Begawan
2000

Sixth ARF

- 26 July 1999 ARF6 (Foreign Ministers Meeting) - Singapore - Singapore
20-22 May 6th ARF SOM (Senior Officials Meeting) - Singapore - Singapore
1999

1998-99 Intersessional Meetings

First Track

- 4-6 November Intersessional Support Group (ISG) on Confidence Building Measures
1998 (CBMs) -Thailand & USA - Honolulu
3-5 March 1999 ISG on CBMs: Second Meeting - Thailand & USA - Bangkok
11-14 April Intersessional Meeting (ISM) on Disaster Relief - Russia & Vietnam –
1999 Moscow

Expert Level

- 25-28 January Disaster Relief Experts Group - Thailand - Bangkok
1999
31 Aug - 3 Sep Seminar on the Production of Defence Policy Documents - Australia &
1998 Malaysia - Canberra
8-10 September Second Meeting of Heads of National Defence Colleges and Institutions
1998 - Republic of Korea - Korea

19-23 October 1998 Workshop on Approaches to Training for Peacekeeping - EU & Thailand - Dublin
25-27 November 1998 Military Medicine Symposium on Tropical Medicine and Epidemic Control in Tropical Regions - China – Beijing

November 1998 Meeting of Specialist Officials on Maritime Issues - USA & Thailand - Honolulu

22-26 March 1999 Peacekeeping Training Course - Japan, Canada & Malaysia - Tokyo

Northern Spring 1999 Regional Security Training Seminar for Foreign Affairs and Defence Officials - USA – USA

Second Track

24-27 April 1999 Conference Towards Comprehensive Security and Cooperation in the Asia Pacific - Russia - Vladivostok

Last half 1998 ADPC Workshop on Common Principles of Disaster Management - USA – Bangkok

Fifth ARF

26-27 July 1998 ARF5 (Foreign Ministers Meeting) - Philippines - Manila

20-22 May 1998 5th ARF SOM (Senior Officials Meeting) - Philippines - Manila

Intersessional Meetings 1997-98

First Track

4-6 November 1997 Intersessional Support Group (ISG) on Confidence Building Measures (CBMs) - Australia and Brunei - Brunei

18-20 February 1998 Intersessional Meeting (ISM) on Disaster Relief - Thailand and New Zealand - Bangkok

4-6 March 1998 ISG on CBMs: Second Meeting - Australia and Brunei – Sydney

Expert Level

7-8 October 1997 First Meeting of Heads of National Defence Colleges - Philippines - Manila

15-17 Dec 1997 Search and Rescue Coordination and Cooperation (SAR) Planners and Officials Conference - Singapore – Singapore

Second Track

9-11 September Seminar on Preventive Diplomacy - Singapore & EU (UK) – Singapore
1997

Fourth ARF

27 July 1997 ARF4 (Foreign Ministers Meeting) - Malaysia - Kuala Lumpur
18-20 May 1997 4th ARF SOM (Senior Officials Meeting) - Malaysia - Pulau Langkawi

Intersessional Meetings 1996-97

First Track

19-20 February 1997 ISM on Disaster Relief - Thailand and New Zealand - Wellington
6-8 March 1997 ISG on CBMs - China and Philippines - Beijing
26-28 March 1997 ISM on Search and Rescue Coordination and Cooperation (SAR) -
Singapore & USA – Singapore

Expert Level

Two activities under ISM on Peacekeeping Operations - Malaysia and
Canada:

10-14 Mar 1997 'Train the Trainers' Workshop - Malaysia and Australia - Kuala Lumpur
7-11 April 1997 Demining Course - New Zealand - Palmerston North, NZ

Second Track

7-8 November 1996 Seminar on Preventive Diplomacy - EU (France) and Indonesia (CSIS)
– Paris
6-7 December 1996 Seminar on Non-Proliferation - EU (Germany), Indonesia and Australia
– Jakarta

Third ARF

22 July 1996 ARF3 (Foreign Ministers Meeting) - Indonesia - Jakarta
10-11 May 1996 3rd ARF SOM (Senior Officials Meeting) - Indonesia - Yogyakarta

Intersessional Meetings 1995-96

First Track

18-19 Jan 1996 ISG on CBMs: First Meeting - Japan and Indonesia - Tokyo
4-7 March 1996 ISM on SAR - Singapore and USA - Honolulu
1-3 April 1996 ISM on Peacekeeping Operations (PKOs) - Malaysia and Canada -
Kuala Lumpur

15-16 April 1996 ISG on CBMs: Second Meeting - Japan and Indonesia – Jakarta

Second Track

23-24 April 1996 Seminar on Principles of Security and Stability in the Asia Pacific - Russia – Moscow

Second ARF

1 August 1995 ARF2 (Foreign Ministers Meeting) - Brunei - Bandar Seri Begawan

22-24 May 1995 2nd ARF SOM (Senior Officials Meeting) - Brunei - Bandar Seri Begawan

Intersessional Meetings 1994-95

Second Track

24-25 November 1994 Seminar on the Building of Confidence and Trust in the Asia Pacific - Australia (Strategic and Defence Studies Centre, ANU) - Canberra

7-9 March 1995 Seminar on Peacekeeping: Challenges and Opportunities for the ARF - Canada and Malaysia (Hosted by Brunei) - Bandar Seri Begawan

8-10 May 1995 Seminar on Preventive Diplomacy - Republic of Korea – Seoul

First ARF

25 July 1994 ARF1 (Foreign Ministers Meeting) - Thailand - Bangkok

23-25 May 1994 1st ARF SOM (Senior Officials Meeting) - Thailand - Bangkok