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ASEAN and the Construction of a Regional Security Partnership
Achievements and Critical Issues to Manage Security Governance in Southeast Asia

Angela Pennisi di Floristella

Coordinator of PhD
Prof. Fulvio Attinà

Tutor
Prof. Fulvio Attinà

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ABBREVIATIONS

AACC	ASEAN Air Force Chief Conference
AADMER	ASEAN Agreement on Disaster and Emergency Response
ACAAM	ASEAN Chiefs of Army Multilateral Meeting
ACD	ASEAN Cooperation Dialogue
ACDFIM	ASEAN Chief defence Forces Informal Meeting
ACDM	ASEAN Committee on Disaster Management
ACOT	ASEAN Centre on Transnational Crime
ACRDM	ASEAN Regional Programme on Disaster Management
ACTT	ASEAN Convention on Counter Terrorism
ADDM	ASEAN Defence Ministers Meeting
ADDM-Plus	ASEAN Defence Ministers Meeting Plus
ADMM	ASEAN Defence-Military Meeting
ADPC	Asian Disaster Preparedness Centre
ADSOM	ASEAN Defence Senior Official Meeting
ADSOM-Plus	ASEAN Defence Senior Official Meeting Plus
AEC	ASEAN Economic Community
AFTA	ASEAN Free Trade Area
AHA	ASEAN Humanitarian Assistance on Disaster Management
AHTF	ASEAN Humanitarian Task Force
ALAWMM	ASEAN Law Ministers Meeting
AMIIM	ASEAN Ministerial Intelligence Informal Meeting
AMM	ASEAN Ministerial Meeting
AMMJC	ASEAN Ministerial Meeting Joint Communiqués
AMMTC	ASEAN Ministerial Meeting on Transnational Crime
AMLA	Anti Money Laundering Act
ANI	ASEAN Navy Interaction
APEC	Asia Pacific Economic Cooperation
ARDEX	ASEAN Emergency Response Simulation Exercise
ARF	ASEAN Regional Forum
ARPDM	ASEAN Regional Programme on Disaster Management

ASC	ASEAN Security Community
ASEAN	Association of South East Asian Nations
ASEAN 4	Indonesia, Malaysia, Philippines and Thailand
ASEAN 5	Indonesia, Malaysia, Philippine, Thailand and Singapore
ASEAN 6	Indonesia, Malaysia, Philippine, Thailand, Singapore and Brunei
ASEAN+3	ASEAN, People's Republic of China, Republic of Korea and Japan
ASEM	ASEAN Europe Meeting
ASG	Aby Sayyaf Group
ASOM	ASEAN Senior Official Meeting
ASP	ASEAN Surveillance Process
BIMP-EAGA	East Asia Growth Area
CEPT	Common Preferential Trading Scheme
CLEC	Center for Law Enforcement Cooperation
CMLV	Cambodia, Myanmar, Laos and Vietnam
COC	Code of Conduct
CPP	Cambodian People's Party
CPV	Communist Party of Vietnam
CS	Cooperative Security
CSS	Cooperative Security Systems
CTBT	Comprehensive Test Ban Treaty
DOC	Declaration of the Conduct of the Parties in the South China Sea
EAS	East Asian Summit
ERAT	ASEAN Emergency Rapid Response Team
EU	European Union
FPDA	Five Power Defence Agreement
GBC	General Border Commission
HC	High Council
ICJ	International Court of Justice
ICPVTR	International Center for Political Violence and Terrorist research
IFRC	International Federation of the Red Cross
IMF	International Monetary Fund
IMT-GT	Growth Triangle

INTERFET	International Force for East Timor
JC	Joint Communiqués
JI	Jemah Islamiah
JMM	Joint Ministerial Meeting
JWG	Joint Working Group
LPRV	Laos's People Revolution Party
MILF	Moro Islamic Liberation Front
NPT	Non Proliferation Treaty
NTS	Non-Traditional Security
OCHA	United Nations Office for Coordinating Humanitarian Affairs
PMC	ASEAN Post Ministerial Conference
PRC	People's Republic of China
RSP	Regional Security Partnership
SAERCCT	Southeast Asian Center on Counter Terrorism
SARS	Severe Acute Respiratory Epidemia
SASOP	Standby Agreement for Disaster Management
SEATO	South East Asian Treaty Organization
SEANWFZ	Southeast Asian Nuclear Weapon Free Zone
SPDC	State and Development Council
TAC	Treaty of Amity and Cooperation
TCG	Tripartite Core Group
TOR	Terms of Reference
UCDP	Uppsala Conflict Data Program
UNAMIC	United Nations Advance Mission in Cambodia
UNHCR	UN High Commissioner for Refugees
UNMISET	United Mission of Support East Timor
UNSC	United Nations Security Council
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
WB	World Bank
ZOPFAN	Zone of Peace, Freedom and Neutrali

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CHAPTER 1

INTRODUCTION: SOUTHEAST ASIA, A REGION OF DIVERSITY AND COMPLEXITY

In its earliest manifestation the Association of Southeast Asian Nations (ASEAN) was not a "security" project. Nevertheless, since the inception of ASEAN under the rubric of *promotion of regional peace and security,* entailed in the ASEAN founding document the newborn organization rapidly became involved with security-related matters.[1] The presence of long lasting rivalries between Indonesia and Malaysia and Malaysia, Philippines and Singapore, the pressing need to stabilize the region to increase the level of foreign investments, improve economic growth and guarantee the people well being as well as the eruption of new bloody conflicts, such as the Cambodian crisis and the consequent negative spillover effects to neighbouring countries, pushed ASEAN founding members - namely Indonesia, Malaysia, Philippines, Singapore and Thailand - towards stronger cooperative efforts, not only in economic and political areas, but also in the security sphere.

Yet so long as the bipolar conflict between the Soviet Union and the United States played out, the region was mainly dominated by the balance of power of the two major powers counterbalanced by the oscillating role of China and, in practical terms, *security* responded to the need to maintain the political and military balance between the East and the West. In fact, as Ali Atlas, the former Indonesian Prime Minister, pointed out: "*regional security requires an equilibrium between the major powers and between them and Southeast Asia*".[2]

In the wake of the Cold war, however, the shift in the geopolitical security environment challenged traditional balance of power theory, occasioning new opportunities for increasing processes of regional security cooperation. It is not

1. ASEAN Secretariat, *Bangkok Declaration*, 1967, available on ASEAN website http://www.aseansec.org/1212.htm.
2. Ali Atlas, "Live and let lived", *Far Eastern Economic Review*, 11 July 1991, p. 13.

surprising, therefore, that in the *vacuum* left by the Soviet Union and the decrease of the United States military presence, Southeast Asia experienced a proliferation of multilateral institutions, such as the formation of the ASEAN Regional Forum (ARF), the institutionalization of the ASEAN plus Three (ASEAN +3) and the enlargement of ASEAN. These newborn multilateral institutions became important alternatives to seek security through the development of common norms and mechanisms to deal with security issues. Their importance was then further strengthened by the porosity of national boundaries, which urged for new responses to "contain" political, economic or environmental challenges that go beyond the nation state level.[3] International institutions thus started to be viewed as the most appropriate tools to overcome "the collective action problem" by promoting new forms of regional cooperation and advancing new mechanisms to respond to contemporary threats.

This new situation opened, therefore, a window of opportunity for ASEAN. In fact, the decline of balance of power gave the Association a new margin of freedom to pursue autonomous economic and security goals. On the other hand, however, the recent ascendance of new regional powers, such as India, China and Japan has also started to restrain ASEAN's room for manoeuvre to lead Asian regional institutions. The new developments that the Association underwent in the last two decades suggest, nonetheless, ASEAN's effort to maintain its regional centrality, through a progressive redefinition of its goals and the adoption of new political, economic and security instruments. This gradual expansion of ASEAN-centred processes of community building has not only focused on the internal dimension of cooperation, but has also been aimed at engaging external partners through the creation of new multilateral frameworks of dialogue. The wide array of new policies on which ASEAN embarked requires, however, a greater capacity to implement the new outlined measures, which is a major challenge for the

3. Stephen D. Krasner, "Rethinking the Sovereign State Model", *Review of International Studies*, vol. 27, no. 5, December 2001, pp. 17-42.; Edward Newmann, "Failed State and International Oder: Constructing a Post-Wesphalian World", *Contemporary Security Policy*, vol. 30, no. 3, December 2009, pp. 421-443.; Raymo Vayrynen, "Complex Humanitarian Emergencies: Concepts and Issues", in Wayne E. Nafziger et al. *War, Hunger and Displacement: The Origins of Humanitarian Emergencies*, vol. 1. Oxford: Oxford University Press, 2000, p. 9.

organization due to the political, economic, cultural and security diversity of its members. Nonetheless, in the absence of the necessary internal cohesion it will be difficult for ASEAN to achieve effective mechanisms and modalities of security governance. In this perspective the "widening of the ASEAN agenda without its deepening" could become one of the major problems ahead, especially if the Association is not capable of putting into practice the mechanisms that have been sketched in the three Blueprints of the ASEAN Community.

Against this background to study ASEAN's role as a vehicle of cooperation provides a case of particular interest of investigation for several reasons: to analyse the progressive shift of ASEAN to become a more rule-based organization and to addressing its security problems more actively; to better explore how regional institutions can be instrumental for the development of cooperative security (CS) mechanisms, suitable to meeting traditional and non-traditional security challenges in such diverse and complex regional contexts.

ASEAN came into existence in the Cold war context, in 1967, after the informal and friendly negotiations conducted at the quiet Beach Resort of Bang Saen by the five Southeast Asian Foreign Ministers, Adam Malik of Indonesia, Narciso R. Ramos of the Philippines, Tun Abdul Razak of Malaysia, S. Rajaratnam of Singapore and Thanat Khoman of Thailand. On that occasion the idea to form the Association became a reality, but no one could have thought that in a few years this nascent Association would have turned into one of the most suitable environments to facilitate inter-regional dialogue and new mechanisms of confidence building. Although ASEAN is basically a product of the Cold war its experience did not come to an end in the Nineties. On the contrary, in the Nineties not only did ASEAN survive but it took new initiatives to revitalize Southeast Asian regionalism. Particularly, in the security field the Association took up new responsibilities in the fight against a wide range of issues from traditional military threats, relating to the territorial security of national states, to new security challenges from the global economic crisis to terrorism, disaster management, transnational crime and disease control. Moreover with the ASEAN Charter the Association acquired a legal personality (art. 3. ASEAN Charter, 2007) and

during the 7th Summit in Bali, 2003, embarked in new projects, such as the construction of the three ASEAN Communities (ASC). Recently its international presence has incrementally grown. In 2006 ASEAN obtained observer status at the UN. In the last ten years it has signed agreements with all industrialized countries. And its international presence is increasingly recognized by the new interest of US policy to engage the Association as displayed during the Obama and Clinton' official trips to Southeast Asia, the first US-ASEAN Summit held in Singapore in 2009 and the second US-ASEAN Summit of New York in 2010".[4]

In the light of these new dynamics how can one explain ASEAN's role and influence in the Southeast Asian region? To what extend has the Association contributed to the enhancement of regional security and to alter state' behaviours from conflictive to cooperative forms of relations?

Initial attempts to answer these questions date already back to the end of the Nineties when in the wake of "new regionalism" some scholars tried to explain the formation of cooperative security systems (CSS) in Southeast Asia, mostly making use of Karl Deutsch "security community" approaches. In our view, however, these contributions suffer from the weaknesses of over-emphasizing the elite-level socialization, and especially the making of Southeast Asian regional identity. In fact paraphrasing Beeson, given that *"the idea of Southeast Asia is a relatively new one, a common state of identity or a collective state is yet relatively underdeveloped across the region*".[5]

This study proposes, therefore, an alternative theoretical perspective to analyse the Southeast Asian security system through the framework of Attinà's *"regional security partnership*" (RSP). A RSP is the arrangement through which governments, despite their distinctive features, the lack of a collective identity and unequal level of transactions, construct cooperative security systems (CSS) at a regional level to accommodate interstate interactions, the regulation of crises and the management of common problems.[6] At present this CS framework has mostly

4. Hillary Clinton, *Speach at the East-West Center*, 28 Ottobre, 2010, Hawaii.
5. Mark Beeson, "Introduction: Making Sense of Southeast Asia", in Mark Beeson, *Contemporary Southeast Asia*. Basingtoke: Palgrave Macmillan, 2 ed., 2009, p. 11.
6. Fulvio Attinà, *Regional security partnership: the concept, the model, practise and a preliminary comparative scheme,* Jean Monnet Working Paper in Comparative and International Politics, JMWP no. 58, July 2005; Fulvio Attinà, *The Euro-Mediterranean*

been recognized by analysts as valid to explain the regional security dynamics of the European region but objections have been raises to what concerns regions of the developing world mostly due to the lack of appropriate conditions. On one hand, in fact, the imperatives of "non interference" and "sovereignty", which are at the core of the ASEAN way, appear to limit the promise of ASEAN as a security actor, on the other, scholars being much inspired by the EU, underestimate processes, which are basically founded on informality and intergovernamentalism. To consider the EU as a kind of Gold Standard may, however, create a falsified picture, which risks obscuring the importance of other regional processes, which follow different paths to development, but are no less significant for this reason. As noted by Katzenstein, in fact, regions largely differ in their institutional form, type of identity and internal structure,[7] with the consequence that there are different understandings, interests and goals behind regional security cooperation and that the lack of a certain degree of formality doesn't coincide with the lack of influence.

This study is, therefore, an opportunity that cannot be missed to explore through an alternative lens of analysis the relevance and the potential of a regional institution in pushing forward new mechanisms for the co-management of security problems aimed at better addressing the security challenges faced by the region, thus going beyond the empiricism, which for long time has characterized ASEAN studies.[8]

Project of Security Partnership in Comparative Perspective, Jean Monnet Working Paper in Comparative and International Politics, JMWP no. 52, September 2004.

7. Peter Katzenstein, *A World of Regions. Asia and Europe in the American Imperium.* Ithaca: Cornell University Press, 2005.

8. Donald Emmerson, "ASEAN as an international Regime", *Journal of International Affairs*, vol. 41, no. 1, Summer/Fall, 1987, pp. 1-16.

1.1. Southeast Asia: a region of diversity

The path towards the construction of the ASEAN RSP cannot ignore the sheer diversity in terms of history, political systems, religious beliefs, cultural traditions, and degree of development of ASEAN members. Of course to analyse these characters an entire book would not be enough, and this is neither the object nor the aspiration of this work. Nevertheless, only by attempting to capture the national diversities of the region, can we understand why cooperation, particularly in the security field, and the formation of common goals and norms are here more challenging that in other regions of the world. This introductory paragraph will thus attempt to trace some basic historical, economic and cultural contours of the Southeast Asian region.

The term "Southeast Asia" entered IR vocabulary only soon after the Japanese occupation during the WWII when the British began to use the term to describe a particular field of operations in the fight against the Japanese.[9] Geographic proximity was, in fact, the main *criterium* to define Southeast Asia as a region, but although these countries are neighbours, the historical development of archipelagic nations of maritime Southeast Asia has been significantly different from that of mainland Southeast Asia. Thailand, Burma and Cambodia, in fact, had flourishing economies long before the colonial era, while maritime barriers hampered the development of the maritime regions for centuries.

Apart from this, the other distinctive character of Southeast Asia is the variety of cultural traditions and civilizations (Islam, Confucianism and Javanese), the different ethnic bases of the societies, and the presence of multiple religions. For example, Islam is the predominant religion of Indonesia, Brunei and Malaysia, Buddhism is to be found in Vietnam, Thailand, Burma and Singapore and Christianity in the Philippines. In general terms, nonetheless, diverse religious

9. Amitav Acharya, *The Quest for Identity. International Relations of Southeast Asia, Singapore*. Oxford: Oxford University Press, 2000; Tim Huxley "Southeast Asia in the Study of International Relations: The Rise and Decline of a Region", *The Pacific Review*, vol. 9, no. 2, pp. 199-228, 1996; Shaun Narine, *Explaining ASEAN. Regionalism in Southeast Asia.* Boulder, Colorado: Lynne Rienner, 2002, p. 9; Mark Beeson, "Introduction: Making Sense of Southeast Asia" cited., p. 4.

communities live side by side throughout whole the region. Figure 1.4. summarizes how different are the overall circumstances confronting Southeast Asia in terms of population growth, ethnic composition, religion and political groups. The table also highlights that the original ASEAN group initially included Indonesia, Thailand, Malaysia, the Philippines and Singapore and that the former Indochinese States have only recently been incorporated into the group.

Given this picture, while some authors still doubt the existence of common regional patterns, some others have suggested that the region had a *"unity in its diversity"*. Other scholars also gave the regional approach a more positive connotation suggesting, for example, that Southeast Asia was a region in the sense that the Mediterranean was for Fernand Braudel.[10] That is to say as a common space where states are bound not only by geographic and economic ties, but by the establishment of political and cultural relations, linkages and contacts. Accordingly, in line with an institutionalist perspective, this study will consider the Southeast Asian region as a "dynamic space", where national states, despite the variety of political forms and levels of economic performance, are involved in a process of institution building through which they develop and establish new ties and mechanisms of cooperation.

1.1.2. ASEAN members: a fragmented political picture

Above all, resulting from the exigencies of colonial powers, the modern history of the region has been marked by mutual antagonism and different paths to political development. It is not surprising therefore, that many ASEAN members have border disputes with their neighbours. Importantly, these challenges have included the Indonesian policy of contesting the legitimacy of the Malaysian Federation - the so called *konfrontasi* - and the Philippines - Malaysia dispute over Sabah. Over the years territorial disputes have continued to divide the region. Importantly, the dispute over the Spartly's islands, the mistrust between Singapore and Malaysia, and Singapore and Indonesia, the presence of separatist movements

10. Nicholas Tarling, *Historians and Southeast Asian History*. Auckland: NZ, Asia Institute, 2000, pp. 100-101.

in Southern Thailand, Aceh and Mindanao and the Thailand-Cambodia border conflict continue to seriously challenge regional stability. This picture of acrimony is not unexpected given the fact that during the colonial era communities were often divided, while others lacking in common heritage were grouped together.[11]

However, the impact of colonization has not been uniform across the region. Indonesia and the Philippines fought repeated wars and insurgencies against the Dutch. Indochina's long march to independence led to a protracted brutal war, which spread into Laos and Cambodia becoming an engagement of the Cold war. By contrast, Thailand has not been occupied and colonized in a formal sense by a European power and since the 1932 revolution has been dominated by a military and bureaucratic elite for half a century.

In the light of this historical heritage the spectrum of ASEAN political regimes is very broad. The major political change that the region encountered concerns Indonesia, where the collapse of Suharto after 32 years of power, led to a progressive move towards democracy. In fact, after the historic elections of 2004, the country entered into a new effective phase of *"transition from autocratic rule to democracy*",[12] which rendered Indonesia the new champion of democratic values and broader reforms within the ASEAN community.[13] Also Thailand, the Philippines and Malaysia are apparently moving towards democracy but without witnessing real regime change. In fact, in the Philippines and Thailand, elites still dominate political life, while in Malaysia, the Barisan National headed by the main Malay party, has ruled the country since the Sixties. In Singapore, meanwhile, the continuity of political power in the hands of the Lee Kuan Yew's family demonstrate that Singapore has not moved from its traditional "soft authoritarianism", in which the government acts as business partner and driver of key sectors of the economy.[14]

11. ibidem. See also: M. C. Ricklefs ed al., *A New History of Southeast Asia*. Basingtoke UK: Palgrave Macmillan, 2010.
12.European Community, *Indonesia. European Community Strategic Paper 2007-2013*.
13. ibidem.
14. Damien Kingsbury, "Southeast Asia: A Community of Diversity", *Politics and Policy*, vol. 35, no. 1, pp. 5-25, march 2007.

On the other side of the spectrum "authoritarianism" seems to be the common feature of the other ASEAN members and it is unlikely to disappear in any grand wave of democratization. Since the signature of the Paris Agreement in 1991 Cambodia has launched a process of democratic transition and economy reconstruction but the Cambodian Peoples' Party (CPP) under the direct leadership of former Prime Minister Hun Sen appears to favour only superficial reforms and has strongly maintained power in its hands.[15] In Vietnam the pre-eminence of the Communist Party of Vietnam (CPV) is not under question. The CPV, in fact, continues to exert its authority and holds ultimate responsibility for all important policy decisions even if the country has started to liberalize its economy. Similarly Lao PDR, has remained a stable one-party state since 1975, when the Lao People's Revolutionary Party (LPRP) became the only legal political party.[16] Tiny Brunei continues to be an authoritarian wealthy state under the rule of Hassanal Bolkiah Mu'izzaddin Waddaulah, who became Brunei's 29th sultan in 1967. Finally, the Myanmar's military regime established in 1988 when the military took over power to form the State Law and Order Restoration Country, has ruled the country ever since. The applauded November 2010 election, which took place after external pressures and economic embargoes, has not opened the path to significant political changes. On the contrary, the power is still firmly in the hands of the military.

In consequence of the wide spectrum of political regimes, it is no surprise that the Freedom House Indexes acknowledge a strong inequality in political rights and civil liberties scores among ASEAN members (figure 1.1.) Remarkably this high disparity concerns also the diverse degree of vulnerability to state failure. To this regard the Failed State Index compiled by the Fund for Peace, which collects social, economic and political indicators with the aim of providing measures of states' capacity rank ASEAN members in very different positions.

In fact, according to 2010 Indexes, of 177 states, Burma is placed in the 13th position of the most failed state while Singapore is in the 160th position with a

15. European Community, *Cambodia - European Community Strategic Paper for the period 2007-2013.*

16. European Community, *Laos - European Community Strategic Paper for the period 2007-2013.*

moderate risk of failure. Laos, Cambodia, Philippines, Indonesia, Thailand, Vietnam and Brunei are respectively in the 44th, 49th, 53rd, 62nd, 79th, 94th and 118th positions. This gives a further idea of how different the composition of ASEAN members is. Is it then possible for these countries to find ways of cooperation?

FIGURE 1.1.MAP OF FREEDOM IN SOUTHEAST ASIA
Source: *Freedom in the world 2011 edition.*

	Status	Political rights	Civil Liberties
Indonesia	Free	2	3
Malaysia	Partly Free	4	4
Singapore	Partly Free	6	4
Philippines	Partly Free	3	3
Thailand	Partly Free	5	4
Brunei	Not Free	6	5
Vietnam	Not Free	7	5
Laos	Not Free	7	6
Myanmar	Not Free	7	7
Cambodia	Not Free	6	5

1.1.3. Economic disparities in the Southeast Asian region

Comparably to political situations, also ASEAN economies cover a very broad spectrum, which pose hard questions for the process of regional integration. The most clear-cut divide is that between the more developed members, the so called ASEAN 6 (Indonesia, Malaysia, Philippines, Thailand, Brunei and Singapore), and the newer members, the CMLV (Cambodia, Myanmar, Laos and Vietnam). In fact, the per capita GDP of CMLV countries is approximately US$ 823, which is a quarter of that of ASEAN 6, which amounts to around US$ 3,204.[17] More specifically, Singapore GDP is twenty times higher that of the Philippines and fifteen times higher that of Indonesia, and on the other hand, the Philippines GDP is less than twice that of Laos. No wonder, therefore, that while Singapore is classified as a high income country, followed by Malaysia considered as upper middle income country, Indonesia, the Philippines, Thailand and Vietnam are

17. ASEAN Secretariat, *ASEAN Community in Figures 2010,* Jakarta, ASEAN Secretariat, April, 2011.

classified as lower middle income states, while Cambodia, Laos and Myanmar as low income.[18]

In this regard, it is worth noting that the city of Singapore is usually regarded as one of the first generation newly industrialized countries. Equally, oil exports have given Brunei a similar income. Malaysia has the next level of per capita wealth and level of industrialization and it is followed by Thailand, which has also become a highly industrialized country. Nevertheless, Indonesia and the Philippines, which are grouped together with the other ASEAN 4 have less robust industrial sectors and high income inequality.[19] As a result, in terms of economic growth, the ASEAN 6 collective share of GDP amounts to 90.1% of the collective share of GDP, even if, in consequent of the economic turmoil, in 2009 CMLV economies in general grew faster that ASEAN 6 countries.[20] In particular, in recent years, Vietnam is making significant moves to embrace foreign investments and has consolidated its position and achieved a growth rate that suggests that it could soon catch up with Indonesia and the Philippines. Inversely, Cambodia, Burma and Laos remain the poorest countries of the region. This implies a persistent gap between the older and newer ASEAN members, which will not come to an end, especially if the CMLV economies are not be capable to move beyond centralization and national programs to embrace market-oriented policies.[21] If this is not the case the region will be increasingly characterized by a two-tier ASEAN.

18. World Bank, *World Development Indicators*, World Bank, 2011.
19. Greg Felker, "The Political Economy of Southeast Asia" in Mark Beeson, *Contemporary Southeast Asia,* Alderhot, Palgrave Macmillan, 2nd ed., 2009, pp. 48-53.
20. ASEAN Secretariat, *ASEAN Community in Figures 2010,* cited.
21. Rodolfo Severino, "Who Belongs in ASEAN? The Question of Membership", *Southeast Asian in Search of an ASEAN Community. Insights from the Former ASEAN Secretary General*. Singapore: Institute of Southeast Asian Studies, 2006, pp. 69-70.

FIGURE 1.2. GDP GROWTH IN SOUTHEAST ASIA
Source: Asian Development Bank, *Asian Development Outlook 2010 Update. The future of growth in Asia,* Manila, 2010.

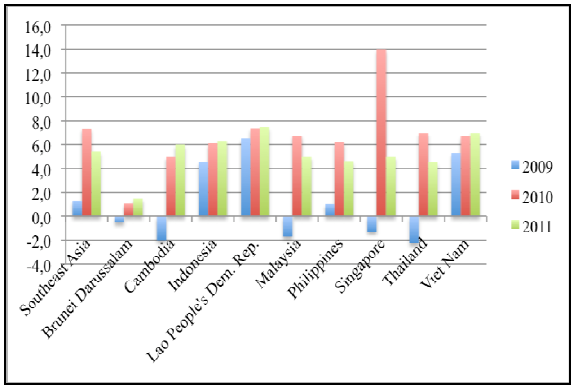
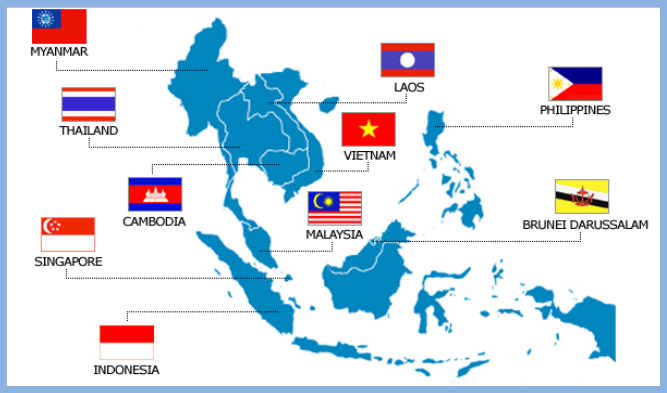


FIGURE 1.3. A LOOK AT THE REGION
Source: *ASEAN Community in Figures,* ASEAN Secretariat Jakarta, 2010.



- ASEAN has a total population of 590,844 million of people
- Total trade of 1,536, 843
- Average GDP per capita of US$ 2,533
- Fragmented picture in economic terms. The per capita GDP of CMLV countries is of US $ 823, a quarter that of ASEAN
- Variance is showed in terms of vulnerability to State Failure: Burma is placed at the 13° position of the most failed state while Singapore is in the 160° position.

1.2. Research Puzzles

Despite the remarkable difference in the level of individual nations Southeast Asia has also given rise to one of the most enduring regional institutions, with a track-record of dealing with security challenges with a regional focus. The "exceptionalism" of this experience renders, therefore, the study of ASEAN a

case of particular scientific interest, which raises several questions, which have both theoretical and empirical implications.

Theoretically how does one explain ASEAN in the promotion of regional security cooperation in such a diverse environment? And, empirically, to what extent and through which tools has ASEAN contributed to enhancing regional security and turning conflictive relations into cooperative behaviour? What is ASEAN's role and its tools in preventing issues associated with instability and preventing existing disputes escalating into wars? Has the change of the world security system into a post-Westphalian system and the emergence of new unpredictable threats somehow conditioned ASEAN's policies? And consequently, has ASEAN enlarged its security agenda and developed new instruments to face contemporary non-traditional challenges, which mostly go beyond the external dimension of security and pertain to the internal sphere of activities? And to what extend it has been able to develop new capabilities to respond to them?

These questions are of particular relevance to examine the complex spectrum of security threats that is facing Southeast Asia and the related capability of regional institutions to address the same. It is no surprise that unlike the EU, where the development of CS is facilitated by the presence of certain "*background conditions*" such as more pluralism, more advanced economic and industrial development and more ideological homogeneity,[22] the diversity to be found among the societies of Southeast Asia has perpetuated a scepticism about the ability of the Association to put into place effective CS mechanisms.[23] This, however, does not mean that ASEAN does not matter. What it is important is to try to comprehend to what extent, under what conditions and in which way the Association has helped to address the security challenges that are confronting the region.

22. Ernest Haas, cited by Amitav Acharya and Alastair Ian Johnston, *Crafting Cooperation. Regional Institutions in Comparative Perspectives*. Cambridge, UK: Cambridge University Press, 2007.
23. Richard Stubbs, "Meeting the Challenge of Region- Building in ASEAN", in Mark Beeson, *Contemporary Southeast Asia*. Basintoke, UK: Palgrave Macmillan, 2nd ed., 2009, p. 235.

1.3. Regional institutions and security

Since the end of the Cold war regional initiatives have received growing attention from international scholarship as catalysts of change and stability in terms of peace, security and order. With the advantage of proximity to the source of conflict and familiarity of local conditions, cultural values and main actors, regional institutions have been considered especially suitable instruments to conflict resolution. Nevertheless their performance has varied depending on their approach to regional cooperation. Some projects have been more intrusive than others. Some have developed highly institutionalized forms of cooperation, while others put more emphasis on informality and on processes of institution building.

In the Southeast Asian region, regional organizations, notably ASEAN, gave more importance on promoting socialization, improving regional relations and ameliorate trust. These instruments have become important tools to increment channels of cooperation at both a formal and informal level, which have created the appropriate environment where states can meet, build new ties and sketch principles and mechanisms to mitigate their sources of tensions and insecurities. Thus the importance of regional institutions to project peace and stability cannot be underestimated. Regional institutions, in fact, are particularly suitable to overcome the "collective action problem", which refers to a *"situation in which some members of a group behave in a way that benefits the group as a whole (for example to contribute to peace maintenance or environmental conservation"*.[24].

Accordingly, this study takes as its starting argument the idea that regional institutions are particularly appropriate as collective cooperative mechanisms in the arena of security. Particularly, the ASEAN-centred CS system will be used as a case to test the validity of this argument.

Problematically in academic literature *security* is a widely debated and contested concept that has evolved over time, going far beyond its traditional definition,

24. Tsuneo Akaha, *An Institutionalist Approach to Security in East Asia: From the Perspective of Neoliberalism*. Paper Presented for the WISC Internal Conference, Porto, August, 2011.

which considered security in geopolitical terms as a threat to the political independence, territorial integrity, and sovereignty of states. This realist way of thinking, which dominated during the Cold war on the idea that "*who is to be secured is the state, how security is to be achieved is by defending core "national" values, forcibly if necessary, and from whom security is needed is against the enemy"*, [25] was, indeed, gradually questioned by the events of the oil crisis, the economic decline of the US, the progressive liberalization of the world economy and the environmental degradation[26], which showed the progressive erosion of national capabilities, on one hand, to provide for the safety and well being of domestic communities, on the other, to contain the effects of new sources of threats.

In the contemporary world system these arguments have become even more salient as states are largely bypassed by threats from "above" and "below", which penetrate national boundaries and increasingly challenge the functioning and social integrity of the societies. For these reasons, already in the Eighties Barry Buzan, suggested moving towards a more holistic approach to security, by integrating three different levels of analysis (individual, state and international system).[27] In his view, in fact, national security could be achieved neither by ignoring the internal structure of the state nor the international system, which is responsible for many sources of threats to national security. That implies that security has to expand to include other dimensions: such as the economy, the environment, politics and the so called "societal" dimension of security.[28]

The debate on the broadening of security studies continued in the aftermath of the Cold war when the change of the global strategic environment and the reduced threat of major powers rendered less prominent the potential threat of military challenges. Particularly, these arguments were motivated by the fact that for most

25. Tim Dunne and Nicholas Wheeler, "We the People" Contending Discourse on Security in Human Rights. Theory and Practise", *International Relations*, 2004, vol. 18, no. 9, pp. 9-23.
26. Richard Ullman, "Redefining Security", *International Security,* vol. 8, no. 1, 1983, pp.129-153; For the debate on the enlargement of the security agenda see also: Keith Krause and Micheal Williams, "Broadening the Agenda of Security Studies: Politics and Methods", *Mershon International Studies Review*, vol. 40, 1996, pp. 229-254.
27. Carla Monteleone, "Sicurezza una Nuova Agenda per un Concetto in Evoluzione", *Teoria Politica*, XVI, no. 2, 2000, pp. 161-176.
28. ibidem.

of the people the much greater threats come from terrorism, domestic violence, crimes, environmental contamination and factors that affect peace and stability *within* states.[29]

One of the most important scholarship contributions in this direction has come from the Copenhagen School, which constructed a new radical view of security studies by exploring threats to a referent object and the securitization of these threats. Notably, in the book *Security: A New Framework of Analysis*, Buzan, Waever and de Wilde, argue that all threats are *subjective* and that different policy issues can be *securitized,* once the problem is perceived as an *existential threat* to the referent object.[30] By so arguing the three scholars reject the objective nature of security threats and strengthen the positions of the "wideners" of security studies. Importantly, their concept relates not only to the preservation of the integrity of the state but also to the "protection" of societies and individuals within their state. Thus the added value of this analysis was to eliminate the rigid demarcation between traditional and non traditional security challenges, thus opening up the possibility to think about security across different levels and in different issue areas. Indeed different issues can be securitized if there is the recognition of the event as a security threat.

This definition is particularly suitable to define the Southeast Asian agenda, where diverse types of threats coexist and are perceived as existential by the elites and also by the regional communities. In the Southeast Asian context, in fact, security threats cannot longer be confined to the realm of traditional security. Besides physical threats to the political independence of states, which continue to dominate Southeast Asian security discourses, there is a growing recognition that new sources of threats increasingly challenge the states, especially due to the growing incapability of national actors to regulate their “entry” and “exit”.

This awareness led ASEAN to embrace a comprehensive, multidimensional and holistic view of security. In the Declaration of Bangkok, in fact, the

29. Jessica Tuchman Mathews, "Redefining Security", *Foreign Affairs*, vol. 68, no. 2, Spring 1989, pp. 162-177; Theodore Sorensen, “Rethinking national security”, *Foreign Affairs,* vol. 69, no.3, Summer 1990, pp.1-28; Zbigniew Brzezinski, “The Cold War and its aftermath”, *Foreign Affairs,* vol. 78, no. 4, Fall 1992, pp. 31-49.
30. Barry Buzan, “Rethinking Security after the Cold War”, *Cooperation and Conflict,* 1997, pp. 5-28.

interdependence between all dimensions of security (political, socio-economic, and cultural) was clearly stated. Nevertheless, only in the Nineties, with the ongoing democratization process and increasing role played by epistemic communities and civil societies, has a new multidimensional security discourse found its way to a regional level.[31] This process was further accelerated by the economic financial crisis of 1997, which displayed the failure of national states to mitigate the shock and demonstrated how costs can be easily externalised to other countries due to global interdependence. The terrorist attacks, the SARS flu and the dramatic effects of the several natural disasters, which dramatically hit the region since the Indian Ocean Tsunami in 2004, further manifested the interconnection between the internal and external dimension of security. Thus the practical implication has been a progressive shift from a state-centric vision of security to a multidimensional view of security, which has enlarged the scope of ASEAN.

In the light of these considerations it is then clear that a definition of security restricted to the realm of traditional security would be inadequate to study the ASEAN security system because in the Southeast Asian region a large number of new threats, which penetrate societies, have been gradually redefined as security problems through the adoption of extraordinary measures that *"go beyond the sphere of the normal political process".*

Nevertheless as traditional security issues are still considered as a crucial component of Southeast Asian security discourse, this work will not leave aside traditional security relating to the territorial integrity of the state and its protection and will give salience to challenges posed by the presence of interstate and domestic conflicts on Southeast Asia soil.

Undoubtedly this mixture between traditional and non-traditional security dangers issues presents a kind of paradox within ASEAN security agenda. Indeed, if on one hand, ASEAN committed to a multidimensional approach to security, on the other, its distinctive approach grounded on a Westphalian vision of territoriality and sovereignty has not been put into question so far. To explore how

31. Yukiko Nishikawa, "Human Security in Southeast Asia: Viable Solution or Empty Slogan?", *Security Dialogue*, vol. 40, no. 2, 2009, pp. 213-236.

ASEAN is managing its core principle of non interference with issues of good governance, reconstruction and disaster management, which are very much part of the post-Westphalian discourse which permeates a global governance regime and transcends nation-state, it is therefore another aspect of particular interest, that needs to be put under scrutiny.[32]

1.4. Methodology of the study

In order to test the applicability and relevance of the RSP theory in the Southeast Asian region and the core hypotheses and to better respond to single research questions, this study relies on the methodology of mixed methods. Mixed methods research is formally defined "*as the class of research where the researcher mixes or combines quantitative and qualitative research techniques, methods, approaches, concepts or language into a single study"*.[33] This advantage is to legitimate the use of multiple approaches in answering research questions, rather than restricting or containing researchers' choices.[34] This allows us to combine and integrate multiple sources of data from quantitative datasets, to economic data, political documents and statements, articles, newspapers, books, published as well as unpublished papers and personal interviews with academics and experts and observation.

Throughout the study, we have combined quantitative analyses, with specific qualitative case studies, where documentary resources and interview data have been employed through content analysis and discourse analysis techniques to investigate ASEAN influence in the arena of prevention and protection.

Particularly, the quantitative and qualitative approaches have been combined in a sequential manner. That is to say, after collection and interpretation of data from the quantitative and qualitative components, a metainference has been drawn,

32. Amaia Sàncez-Cacicedo, *Peacebuilding in Asia: refutation or cautious engagement?,* European Union Institute for Strategic Studies, November, 2010.
33. Burke Johnson and Anthony Onwuegbuzie, "Mix Methods research. A research paradigm whose time has come", *Educational Researcher,* vol. 33, no.7, October 2004, pp. 14-26.
34. ibidem. See also Burke Johnson and Anthony Onwuegbuzie, The validity issue in Mixed Research, Research in the School, vol. 13, no.1., 2006, pp. 48-63.

which has integrated the inferences made from the separate quantitative and qualitative data and findings. In so doing, we have attempted not only to achieve greater corroboration but also to provide a better and deeper understanding of the evolution and capability of the ASEAN RSP in performing its security policies and building regional security.

FIGURE 1.4. DOMESTIC DIMENSIONS OF SOUTHEAST ASIAN STATES [35]

COUNTRY	POPULATION	POLITICAL SYSTEM	RELIGION	ETHNIC GROUPS	ASEAN MEMBERSHIP
INDONESIA	245m.	Multiparty Presidential Democracy	Islam (88%); Protestant (5%); Roman Catholicism (3%); Hinduism (2%); Buddhism (1%)	45% Javanese; 14% Sudanese; 7,5% Madurese; 7,5% Coastal Malay and 26% belong to other ethic groups	1967
MALAYSIA	28,3m.	Parliamentary Democracy with a constitutional monarch	Islam (60.4%), Buddhism (19.2%), Christianity (9.1%), Hinduism (6.3%), other/none (5.0%).	Malay 53.3%, Chinese 26.0%, indigenous 11.8%, Indian 7.7%, others 1.2%.	1967
SINGAPORE	5,077m.	Parliamentary Republic	Buddhist, Taoist, Muslim, Christian, Hindu	Chinese 74.1%, Malays 13.4%, Indians 9.2%, others 3.3%. Religions: Buddhist, Taoist, Muslim, Christian, Hindu.	1967
THAILAND	65,74m.	Constitutional monarchy	Buddhism (65%) Christianity (1.3%); others (principally animism, also Baha'i, and Islam (33.7%).	Tai-Kadai language family (6 ethnic groups)--66.2%; Austro-Asiatic (Mon-Khmer and Viet-Muong) language family (30 ethnic groups)--22.8%; Hmong-Yao (2 ethnic groups)--7.4%; Tibeto-Burman (8 ethnic groups)--2.7%; other ethnic groups (including Vietnamese and Chinese)--0.9%.	1967
PHILIPPINES	92,700m.	Presidential Democracy	Roman Catholic (80,9%);	Tagalog (28,1%); Cebuano (13,1%);	1967

35. These data have been collected from several sources, according to their availability: For Indonesia: The Fund For Peace, 2007 corrected on 26 January 2010; The Economist Intelligence Unit, Brunei, 2008; Cambodia The Fund For Peace 2009; Burma US Department of State data updated at 2010; Malaysia US Department of State data updated at 2010, Thailand US Department of State 2009, Laos US Department of State 2011; Singapore US department of State, data updated at 2010. Vietnam US Department of State data update 2009, and population at 2011; Philippines US Department of State updated 2007.

			Evangelical 2,3%); Iglesia Ni Kristo (2%); Muslim (5%); other Christian (4,5%)	Ilocano (9%); Bisaya (7,6%)	
BRUNEI	383m.	Autocratic Sultanate	Muslim (67%); Buddhism (13%); Christian (10%); Indigenous Beliefs (10%).	Malay (62%); Chinese (15 %); Other (17%); Indigenous (6%).	1984
LAOS	6,5m.	Communist state	Buddhism--65%; Christianity--1.3%; others (principally animism, also Baha'i, and Islam)--33.7%.	Tai-Kadai language family (6 ethnic groups)--66.2%; Austro-Asiatic (Mon-Khmer and Viet-Muong) language family (30 ethnic groups)--22.8%; Hmong-Yao (2 ethnic groups)--7.4%; Tibeto-Burman (8 ethnic groups)--2.7%; other ethnic groups (including Vietnamese and Chinese)--0.9%.	1997
VIETNAM	90m.	Single party-constitutional repubblic (communist party)	Buddhism (approx. 50%), Catholicism (8%-10%), Cao Dai (1.5%-3%), Protestantism (0.5%-2%), Hoa Hao (1.5%-4%), Islam (0.1%), and other animist religions.	4 groups including Vietnamese (Kinh) (73.594 million, or 85.7% of the population), Tay (1.89%), Thai (1.8%), Muong (1.47%), Khmer (1.46%), Chinese (0.95%), Nung (1.12%), Hmong (1.24%).	1997
MYANMAR	53,4m.	Military regime	Buddhist 89%, Christian 4% (Baptist 3%, Roman Catholic 1%), Muslim 4%, animist 1%, other 2%.	Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Mon 2%, Indian 2%, other 5%.	1997
CAMBODIA	13,4m.	Multiparty Democracy under a Constitutional Monarchy	Theravada Buddhism 95%; Islam; animism; Christian	Cambodian 90%; Vietnamese 5%; Chinese 1%; others 4%: small numbers of hill tribes, Cham, and Lao.	1998

1.5. Structure of the research

There are four chapters following this introduction. Chapter 2 will review the contending theoretical approaches in the study of Southeast Asian security dynamics and propose sociological institutionalism as a useful approach for the study of the ASEAN role in the arena of security. Next, the ASEAN RSP is introduced as the suitable theoretical framework to depict the Southeast Asian way for the co-management of security problems and is operazionalized by making use of the Kirchner and Sperling security governance (SG) model.

The succeeding two chapters will explore the ASEAN RSP with the aim of testing whether and to what extend the latter has been capable of performing the tasks of SG.

In particular, chapter 3 reviews ASEAN policies of prevention, concentrating on the pre-emption of conflicts within the ASEAN region. It is argued that through its policies aimed at increasing economic growth and the development of a wide set of norms, principles and rules in the field of conflict avoidance and prevention, the Association has had an impact on regional cooperation and security, creating the proper conditions to turn conflictive relations into cooperative behaviour, to promote regional stability and prevent unstable situations from deteriorating. An assessment of ASEAN performance in the domain of prevention will follow. This empirical analysis will try to discover through a quantitative analysis of conflicts the correlation between ASEAN membership and the reduction of battle death interstate and intra state conflicts. Three qualitative case studies have then been added as test cases to evaluate the effectiveness of ASEAN mechanisms to address issues associated with instability at a intra-mural (Thailand- Cambodia border dispute), extra mural (South China Sea dispute) and domestic (Cambodia, 1997) level. Both the quantitative and qualitative empirical analysis reveal the "complexity" of ASEAN as a security actor. Whether, in fact, ASEAN modalities of conflict prevention have helped to dilute the perils of interstate battle death conflicts, they also show their weakness in addressing intra-state challenges and

to put to an end to interstate disputes through adequate conflict resolution mechanisms.

Chapter 4 explores the ASEAN RSP ascending role in the arena of protection. It is suggested that the changing nature of threats, blurring the distinction between the external and internal dimensions of security, have been pivotal for the expansion of ASEAN political security agenda and instrumental to produce policy and institutional change. A diachronic analysis of the ASEAN Ministerial Meeting Joint Communiqués (AMM) from 1990 until 2010, has been conducted to put into evidence how external threats impact on the ASEAN security agenda, producing its expansion, as well as the adoption of new principles of cooperation that go beyond traditional military security. Then the strengthening of ASEAN capacity in the arena of internal security is explored through the prism of two case studies, which somehow constitute two extremes of the spectrum of security threats, namely terrorism and disaster management. Both cases reveal that under the pressure of common sources of insecurity states are more likely prone to delegate new prerogatives to regional institutions with the consequence that norms and even instruments of operational cooperation can be adopted more successfully.

The study concludes with an assessment of the present role of the ASEAN RSP, its achievements, critical points and its likely evolution. In particular, given the new goals that are set in the ASC, ASEAN potentials in the arena of peace building and the prospect that the institution could move towards policies in the field of assurance is analysed.

CHAPTER 2

BUILDING THE ASEAN REGIONAL SECURITY PARTNERSHIP

The extensive literature on ASEAN in the post Cold war period is marked by the many facets of the realist-constructivist debate. On this existing literature this chapter draws out a number of gaps and weaknesses of mainstream IR theories about the study of Southeast Asian security arguing that neither realism nor constructivism can successfully explain the process of CS that is taking place in the region. On one hand, realism founded on the balance of power theory cannot shed light on the process of institution building, which emerged in the wake of the Cold War period. Constructivism, on the other hand, considers identity as a key feature in the construction of the ASEAN Community. But, as the ASEAN Secretary General, Rodolfo Severino, remarks, the construction of an ASEAN identity cannot be taken for granted: *"ASEAN is an association with great diversity that is composed of societies and political constituencies ... marshalled in the cause of ASEAN solidarity and cooperation, behind the validity of the ASEAN idea"*.[36]

Instead, sociological institutionalism is introduced as the appropriate lens for the study of Southeast Asia CS, and its realization is presented through an alternative theoretical paradigm that is Attinà's *regional security partnership* (RSP), which is considered the most fitting framework to depict the incremental building of Southeast Asian CS practises to manage common sources of insecurity and promote greater regional stability. Lastly, the ASEAN RSP is operationalized by making use of the Kirchner and Sperling security governance model, which has been used as an analytic device to better understand and recast the degree of development and effectiveness of the ASEAN partnership for meeting the security challenges facing the Southeast Asian region. Understanding the ways and the impact of regional institutions in advancing regional security is critical. Without specific knowledge on *how* institutions matter and on the degree of their effectiveness on regional security dynamics the present state of affairs may be

36. Rodolfo Severino, "Asia Policy Lecture: What ASEAN is and what is stands for", *Asean Faces the Future*. Jakarta: ASEAN Secretariat, 2001, pp. 10-22.

misinterpreted and future opportunities for advancing new forms of regional cooperation may be missed.

2.1. Do power, interests or ideas matter? Theoretical pluralism in Southeast Asian IR

The theoretical debate on Southeast Asia IR did not start until the Nineties. Students were rarely willing to go *"onto the limbs of theory and prediction*" and preferred to describe or interpret in line with the predominant realist paradigm, what ASEAN was doing and why.[37] In the last two decades, however, this picture has somehow changed and several efforts have been made to theorize Southeast Asian security dynamics. Thus among scholars a prolific debate emerged on this crucial question raised by Timo Kivimäki in a chapter published in 2008: "*Power, Interest or Culture - is there a paradigm that explains the ASEAN political role best?".*[38] On this terrain, the dominant realist literature has come under sharp attack from both post-positivist perspectives, notably constructivism, and liberal institutionalist arguments, mostly related to the economic sphere.

Realist literature is marked by the assertion that the structure of power is the main determinant of war and peace. The state is considered as the unit of analysis and international relations as the domain of anarchic political structures.[39] The international system (the structure) is unable to constrain state behaviour and cooperation happens only seldom, mostly motivated by selfish goals. Furthermore, while stronger actors are scarcely conditioned by the system, weaker actors do not have many other options than depending on the influence of the great powers, considered as the main guarantors of their security. As a consequence realists remain sceptical on the possibility of weak and heterogeneous states cooperating and impacting the regional order, which remains

37. Donald Emmerson, "ASEAN as an International Regime", cited.
38. Timo Kivimäki, "Power, Interest or Culture - is there a paradigm that explains ASEAN political role best?", *Pacific Review*, vol. 21, no. 4, December 2008, pp. 431-450.
39. Kenneth Waltz, *Theory of International Politics*. Reading, Mass.: Addison Wesley, 1979.

a reflection of a wider regional balance of power.[40] Equally, to this school of thought institutions lack the ability to play a managerial role in ensuring the international order and dealing with immediate crises. According to this perspective, ASEAN is, therefore, viewed as little more than a weak organization incapable of contributing to regional security and of compelling its members to comply with its rules.

In the Cold War these arguments strongly prevailed in the security debate of the region, empirically supported by the wide set of bilateral and multilateral defence ties with major powers (figure 2.1.), which dominated Southeast Asia since the end of the Second World War. While the original five ASEAN members all leaned towards the West, China balanced against the US with the Soviet Union in the Fifties and cooperated with the US against the Soviet Union in the Seventies and in the Eighties. Particularly the "Western Arrangement", better known as the US-led hub and spoke system, included the Five Power Defence Agreement (FPDA) between Australia, Malaysia, New Zealand, Singapore and Thailand, the defence arrangement between Australia and Indonesia, the security alliance between Thailand and the US and the Philippines and the US, the Anglo-Malaysian and the Great Britain-Brunei defence agreements. [41] This US network of allies was counterbalanced by the Soviet Union's defence agreements with Vietnam and Cambodia, and by the oscillating role of China. This picture was thus seen by realists as an attempt of ASEAN members to exercise self help to maintain a *balance of power* or a *balance of threat*. [42]

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40. This form of scholarship is best represented in the works of: Micheal Leifer, *Asean and the Security of Southeast Asia*. London: Routledge,1989; Nicholas Khoo, "Deconstructing the ASEAN Security Community: a Review Essay," *International Relations of the Asia Pacific*, vol. 4., no 1, 2004, pp. 35-46; David Martin Jones and Michael Smith, "ASEAN's Imitation Community", *Orbis*, vol. 46, no. 1, Winter 2002, pp. 109-126; David Martin Jones and Michael Smith, *ASEAN and East Asian International Relations. Regional Delusion*. Cheltenham: Edward Elgar Publishing, 2006.

41. Stephen Walt, Alliance Formation and the Balance of World Power", *International Security*, vol. 9, no. 4, 1985; Stephen Walt, *The Origins of Alliances*. Ithaca: Cornell University Press, 1987.

42. Ralf Emmers, *Security Relations and Institutionalism in Southeast Asia*, paper prepared for the presentation of the Conference entitled "Asia's new institutional architecture: managing trade and security relations in the post 9/11 world", Berkeley, APEC Study Center, University of California at Berkeley, California, December 9-10 2005, p. 4.

FIGURE 2.1. SOUTHEAST ASIAN SECURITY ARRANGEMENTS
Source: *Military Balance,* years 1945-2009.

SECURITY ARRANGEMENTS	TYPOLOGY
United Nations (1945)	Multilateral
US-Philippines Mutual Defence Treaty (1951; 1983)	Bilateral
South-East Asia Collective Defence Treaty- SEATO- between the United States, Australia, Britain, France, New Zealand, Pakistan, the Philippines and Thailand (1954)	Multilateral
China-Burma Treaty of Friendship and Non Aggression (1960)	Bilateral
ASA (1961)	Regional
US-Thailand agreement (1962)	Bilateral
Maphilindo (1963)	Regional
Anglo-Malayan Defence Agreement (1965)	Bilateral
Nuclear Non Proliferation Treaty (1968)	Multilateral
ASEAN (1967)	Regional
Great Britain- Brunei Defence Agreement	Bilateral
Five-Power Defence Arrangements between Australia, Malaysia, New Zealand, Singapore and Britain (1971)	Multilateral
Bulgaria-Cambodia; Bulgaria-Laos; Bulgaria-Vietnam cooperation agreements	Bilateral
Czechoslovakia Agreements with Laos and Vietnam	Bilateral
East Germany-Vietnam (1977) and East Germany- Kampuchea Agreement (1980)	Bilateral
Agreements between Vietnam and Laos (1977)	Bilateral
USSR-Vietnam Treaty of Friendship, Cooperation and Mutual Assistance (1978)	Bilateral
ASEAN Regional Forum (1994)	Regional
Biological Weapons Convention (1972)	Multilateral
Southeast Asian Nuclear Weapon Free Zone Treaty (1995)	Multilateral

The post Cold War security environment stimulated, however, dramatic changes in the regional security architecture of the Asia Pacific, calling into question the reliability of realist-neorealist approaches. In the new context, in fact, many of the obstacles that have impeded the development of regional cooperation have been

removed and contrary to realist expectation that Europe's past might have turned into Asian future, and the region would have fallen into a ripe for rivalry, Southeast Asia has found a relatively stable peace.[43] Additionally, even if the United States continued to be a key security player in the region, ASEAN states encouraged new regional initiatives to integrate new countries into the organization and to promote the creation of other regional organizations and networks with an interest in Southeast Asia.

Particularly, three key events can be seen as having a significant impact on shaping new forms of regional cooperation. First, a dynamic and growing China rapidly filled the vacuum left by the Soviet Union in the early Nineties posing a strong impetus for Southeast Asian states to engage the great power with new economic and political initiatives. The opportunity was already taken in 1991 when the ASEAN-China Dialogue first began with the attendance of H. E. Qian Qichen, the Foreign Minister of the People's Republic of China, of the opening session of the 24th AMM in Kuala Lumpur as a guest of the Malaysian Government. The other key event shaping the new climate of regional cooperation was ASEAN expansion to the former Indochinese states of Vietnam, Laos, Cambodia and Myanmar despite their different capacity levels and needs. Finally, despite some analysts warning that there is a growing arms race in Southeast Asia, since 1988 levels of defence spending in percentage of the GDP, which is one of the strongest arguments on which realists anchor their theses, are not indicative of an overwhelming preoccupation with military security. In fact, when taken as a proportion of GDP Southeast Asian defence expenditure has dropped steadily, in favour of more restrained patterns of military expenditure, which suggest new ways of managing and mitigating security challenges (figure 2.2.).

43. Aaron L. Friedberg, "Will Europe's past be Asia's future?", *Survival,* vol. 42, no. 3, Autumn, 2000, pp. 147-159; Aaron L. Friedberg, "Ripe for Rivalry: Prospects for Peace in a Multipolar Asia", *International Security*, vol. 18, no. 3, winter 1993-4, pp. 5- 33.

FIGURE 2.2. SOUTHEAST ASIAN MILITARY EXPENDITURE IN CONSTANT US $ (2008)
Source: *SIPRI Military Expenditure Database.*
Data Updated on 13th January 2010.

	Military Expenditure in US $ m	**%GDP**	**MilEx**	**%GDP**	**MilEx**	**%GDP**	**MilEx**	**%GDP**	**MilEXP**	**%GDP**	**MilEx**	**%GDP**	**MilEx**	**%GDP**
Years	1988	1988	1990	1990	1995	1995	2000	2000	2005	2005	2007	2007	2008	2008
Indonesia	2,49	2,0	2,829	1,8	3,461	1,6	2,970	1,0	4,731	1,2	5,478	1,2	5,011	1
Malaysia	1,220	2,4	1,571	2,6	2,601	2,8	2,112	1,6	3,948	2,3	4,3134	2,1	4,412	2
Singapore	2,448	4,8	3,112	4,9	4,372	4,4	5,997	4,7	7,076	4,6	7,412	3,9	7,513	4,1
Philippines	1,173	1,5	1,108	1,4	1,317	1,4	1,270	1,1	1,287	0,9	1,538	0,9	1,402	0,8
Cambodia	59,7	1,3	79,1	2,1	164	3,6	125	2,2	102	1,1	120	1,1	123	1,1
Laos	n.a.	n.a	n.a	n.a	154	6,1	24	0,8	17,2	0,4	19,3	0,4	21,2	0,4
Vietnam	823	7,1	1,530	7,9	n.a	n.a	n.a	n.a	1,430	1,9	2,170	2,1	2,138	2,5
Myanmar	n.a.	2,1	n.a.	3,4	n.a	3,7	n.a	2,3	n.a	n.a	n.a	n.a	n.a	n.a
Brunei	331	6,6	373	6,4	310	5,5	308	5,7	301	3,9	3,53	3,9	342	3,9
Thailand	2,905	2,8	3,384	2,6	4,413	2,3	2,707	1,4	2,693	1,1	4,117	1,3	4,117	1,5

The flourishing of multilateral institutions from political, to economic and security issues became, therefore, the new feature of this environment. In 1989 the Asia Pacific Economic Cooperation (APEC) begun as an informal Ministerial dialogue to support sustainable economic growth and prosperity in the Asia Pacific region. In 1994 the Association of Southeast Asian Nations successfully launched the ASEAN Regional Forum (ARF) founded on the principle of CS with its primary role being on confidence building and dialogue. The ASEAN Free Trade Area (AFTA) was inaugurated at the ASEAN Summit of 1992 and after the catastrophic events of the economic crisis, which hit the region in 1997/1998, regional economic relations were enhanced with the establishment of the ASEAN+3 (comprising also the People's Republic of China, Japan and the Republic of Korea). Then, in an express desire to bridge Northeast and South Asia, the Thailand Prime Minister has been the driving force behind the launch of

the Asian Cooperation Dialogue (ACD).[44] Additionally cooperation was extended to Europe through the establishment of the Asia-Europe Meeting (ASEM), which provided a platform for communication and exchanges since 1996, and to a large number of dialogue partners. Throughout the Nineties the region also witnessed a number of sub regional initiatives such as the Greater Mekong Sub-region, the Brunei Darussalam, Indonesia, Malaysia, Philippines, East Asia Growth Area (BIMP-EAGA) and the Indonesia, Malaysia, Thailand Growth Triangle (IMT-GT).

Under the emergence of new challenges and the growing inability of states to unilaterally fulfil their security responsibilities and to provide for the economic stability and socio-political security for their peoples, these institution building processes reflected a progressive move to a post-Westphalian system, required by the growing recognition that Southeast Asian countries needed to develop a regional approach to solving their security challenges. These considerations also triggered a progressive rethink of the content of security ascribed to the growing awareness that states do need to cooperate with other state and non state actors, and to design common strategies, institutions and regional processes for problem solving and for the co-management of security problems. The Southeast Asian post Cold War system is, therefore, distinguished by the increasing role of institutions, which became tools to overcome the security dilemma and easily integrate the traditional and new security agenda.

In this new context realist lenses founded on the structure of power lost their prominence due to their incapability to admit the centrality of cooperation. On one hand, in fact, realist arguments were lacking in significant explanations to the wide scope and uniformity of isomorphic outcomes among states that institutionalists document in the lack of benefits.[45] On the other, realist approaches were unable to explain why states are involved in processes of institution building and devote so many resources to it. In other terms, if regional organizations are so flawed, and their benefits so limited why do so many states in

44. The ACD was inaugurated in June 2002 in Cha-Am, Thailand and today includes countries of Central Asia, South Asia, Southeast Asia and Middle East.
45. Martha Finnemore, "Norms, culture and world politics: insights from sociology's institutionalism", *International Organization*, vol. 50, no. 2, Spring 1996, pp. 325- 347.

the region seek membership in them and not withdraw when the expected benefits of membership are not forthcoming?[46] Why are ASEAN states giving centrality to multilateral institutions and engaging great powers in ASEAN-led mechanisms such as the ARF if the added value of institutions is so limited?

Giving a major emphasis to the role of institutions in the Asia Pacific security architecture constructivist and liberal-inclined writings opened a new debate challenging the main realist/neo-realist arguments. But even if these two approaches share some commonalities, they diverge on *how* institutions matter.

To constructivists norms and identities are fundamental determinants of politics and security in Southeast Asia. In other terms, whereas realists attribute stability to exogenous factors and to competitive power politics, constructivists go beyond material factors.[47] In their view, power is, in fact, not only the expression of military capability, but also of ideational attributes.[48] Their analysis about ASEAN is, therefore, centred on the roles of intangible factors such as values, norms, culture and identity in constituting state behaviour.[49] States are viewed as social actors and political identities are analysed in specific cultural and historical contexts. The focus of the analysis is mostly oriented to the spread of common norms through a process of *socialization* resulting from the frequent interactions at a formal and informal level within a social group, which induce a normative

46. To this regard it has also to be noted that for small states like Cambodia and Laos, membership in ASEAN and attendance to the large amount of annual meetings is highly costly.

47. This school of thought spread over Asian studies through, inter alia, the works of: Amitav Acharya, *Constructing a Security Community.* New York: Routledge, 2009*;* Alice Ba, "Who is socializing whom? Complex engagement in Sino-ASEAN relations", in Amitav Acharya and Richard Stubbs, *Theorizing Southeast Asian Relations. Emerging Debates*. London: Routledge, 2008; Peter Katzenstein, *World of Regions: Asia and Europe in American Imperium*, cited. Pek K. Heng, A Constructivist Perspective of the Regional Order in Southeast Asia: Norms Transformation in ASEAN and the ASEAN Charter, *Tamkang Journal of International Relations*, vol. 13, no. 2, Oct 2009; Timo Kivimäki, "The Long Peace of ASEAN", *Journal of Peace Research,* vol. 38, no. 1, 2001, pp. 5-25.

48. Alexander Wendt, "Anarchy is what state makes of it: The Social Construction of Power Politics", *International Organization*, vol. 46, no. 2, Spring 1992, pp. 391-425.

49. For the debate realist neorealist /constructivists see also Anidya Batabyal, "ASEAN's Quest for Security: A theoretical Explanation", *International Studies*, vol. 41, no. 4, 2004, pp. 349-369; Sarah Eaton and Richard Stubbs, ""Is ASEAN Powerful? Realist versus constructivist approaches to power in Southeast Asia", *The Pacific Review*, vol. 19, no. 2, June 2006, pp. 135-155.

transformation and, in the run of time, to the building of a community of values founded on a common regional identity.

In this way, constructivists try to explain the formation of a security community in the Southeast Asian region, resuscitating Karl Deutsch's framework of analysis:

"A security community is considered to be a group which has become integrated where integration is defined as the attainment of a sense of a community accompanied by formal and informal institutions and practises, sufficiently strong and widespread to assure peaceful change among members of a group with reasonable certainty over a long period of time" [50]

A security community à la Deutsch is brought into being by the high level of transactions, expected trade benefits and communication among people, which produce the favourable conditions for the development of peaceful relations among states and the rejection of the use of force in the management of mutual relations. Security communities can be categorized between *pluralistic* and *amalgamated security communities.* In pluralistic security communities states retain their independence and some sense of rivalry and competition, in amalgamated security communities states merge together into a larger state and there is a high degree of trust and low probability of any military conflict. But apart from the absence of fighting and organized preparation for a war, security communities are characterized by a common identity rooted on the existence of similar feelings, values, beliefs and ways of thinking. In other words, a security community is primarily marked by a strong sense of belonging, which is the so called "*we feeling"* among its members.

Amitav Acharya is one of the most prominent scholars who has tried to explain the formation of this type of security system in the Southeast Asian region. In his view three key elements, namely norms, institutions and identity lead to the creation of a security community. More specifically norms not only prescribe

50. Karl Deutsch et al., *Political Community in the North Atlantic Area*. Princeton: Princeton University Press, 1957.

behaviour, but also *"teach"* and form state interests thus *"constituting"* identities. Institutions act as a catalyst of socialization as their function is not limited to the prescription of behaviour's (*regulative effect*), but also to the redefinition of the interests of the actors through a process of social interaction (*constitutive effect*).[51] Finally, identity is not considered as an accomplished fact, but as an *"identity in the making"*, in other terms, as an evolving process largely founded on the efforts of ASEAN and its elites to *"imagine a community"* despite physical, political and economic disparities.[52]

Without neglecting the importance of this approach in broadening the understanding of the Southeast Asian regional order, this fascinating and optimistic view is, however, challenged by several arguments, which have led liberal institutionalists to consider constructivism *"romantic and intellectually naïve"*.[53] First, as noted by See Seng, constructivists show a proclivity to couple agency with sovereignty, and are unable to go beyond the ontological priority of the state.[54] Second and even more important, the "identity" dimension, the *"we-feeling"* to the ASEAN community is questionable.

It is true that ASEAN Leaders have a vision to create a shared identity by 2020 (ASEAN Vision 2020) and that the quest for a regional identity is considered to be crucial as singled out in art. 35 of the ASEAN Charter - "*ASEAN shall promote its common ASEAN identity and a sense of belonging among its people in order to achieve its shared destiny, goals and values*" - but as highlighted by Rodolfo Severino, former ASEAN Secretary General, an elite driven process is not *per se* sufficient as the necessity of building a "people-centric" community is a prerequisite for the construction of an ASEAN identity.[55] Southeast Asian people,

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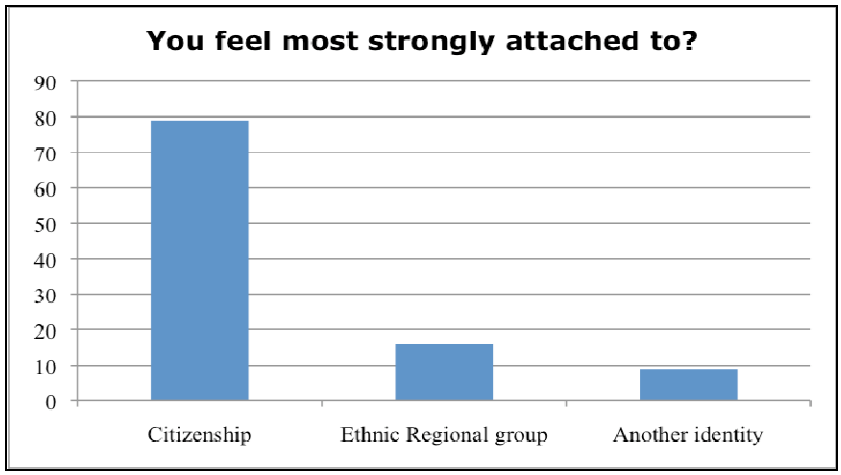
51. Amitav Acharya, *Constructing a Security Community in Southeast Asia,* cited, pp. 28-29.
52. Amitav Acharya, "Do norms and identity matter? Community and Power in Southeast Asian regional order", *The Pacific Review*, vol. 18, no. 1, March 2005, pp. 95-118; Amitav Acharya, *Constructing a Security Community in Southeast Asia,* cited.
53. Amitav Acharya and Richard Stubbs, "Theorizing Southeast Asian Relations: An Introduction", *The Pacific Review,* vol. 19, no. 2, June 2006, pp. 125-134.
54 . See Seng Tan, "Rescuing Constructivism from the Constructivists: a Critical Reading of Constructivist Interventions in Southeast Asian Security", in Amitav Acharya and Richard Stubbs, *Theorizing Southeast Asian Relations*. London: Routledge, 2008.
55. Pavin Chachavalpongpun, "Insiders's Insights into ASEAN and its future", *The Nation* (Thailand), October 14th, 2006. For a critical point of view on the issue of

instead, due to their long colonial legacy are still very attached to national citizenship and show a reluctance in recognize themselves as a part of a regional group. In relation to this aspect the East Asia Barometer has conducted a survey on the issue of identity in four Southeast Asian countries, namely Indonesia (2006), Philippines (2005), Thailand (2005) and Vietnam (2005), which provides much empirical evidence of this trend.

FIGURE 2.3. PEOPLE ATTACHMENT TO NATIONAL CITIZENSHIP AND TO THE REGIONAL GROUP
Source: *East Asia Barometer.* [56]



Yet social, cultural, mass media and communication elites of ASEAN countries may be aware of a common heritage and of common cultural traditions. Particularly all Southeast Asian countries were permeated by the external influences coming from India and China. All regional languages and dialects, with the exception of the Philippines, derive from ancient Sanskrit, and China has opened the region to trade and commerce. But common Indian and Chinese cultural traits have been adapted to fit in with the diverse indigenous systems.

ASEAN identity see: Kristina Jönsson, "Unity-in-diversity? Regional Identity-building in Southeast Asia", *Journal of Current Southeast Asia*, vol. 29, no. 2, 2010 pp. 41-72.

56. The East Asia Barometer is the largest comparative survey in East Asia and covers all major political systems in Asia. The survey procedure is face-to-face interview. The sample size is different for the four countries. The question addressed to interviewers was formulated as follows: Let us suppose that you have to choose between being a _____R's CITIZENSHIP and being a _____R's ETNHIC/REGIONAL GROUP, which of these do you feel most attached to? The interviewers had amongst the following options to choose: 1) R'S citizenship 2) R's ethnic/regional group 3) R's another identity 4) do not understand the question 5) can't chose 6) decline the answer.

Furthermore the question remains whether elite minorities may bring about a consciousness of ASEAN identity without a larger popular participation.[57] To this regard the presence of multi-ethnic and multicultural societies as well as the difference between values and political systems may impede the making of common sense of belonging. States in the region, for example, have taken different positions with regard to the enlargement of ASEAN membership and a lack of cohesion is evident in the absence of solidarity in member states' initiatives. For instance, in the last decade Philippines, Indonesia and Thailand have started to promote initiatives concerning democracy and human rights while Laos, Cambodia and Myanmar are still reluctant to implement these policies. The same long-lasting debate on how ASEAN should have treated the Burma issue confirms the elusiveness of the ASEAN identity and the sense of the *"we"*.

In other terms, if a *"people-centred ASEAN is key to making the Association relevant to the public and to the attainment of the objectives of ASEAN Community,"*[58] as argued by Indonesia's Permanent Representative to ASEAN, Ambassador I Gede Ngurah Swajaya, the process of an identity in the making is rendered difficult by the complexity of the region so that the transition toward the formation of a shared identity might not be a linear process.

2.2. A sociological institutionalist approach: ASEAN as a new regional security actor

In 2001 Stephen Krasner suggested rethinking the sovereign state model arguing that the idea that states "*are independent and rational actors can be misleading because it obfuscates the existence in which rulers are in fact not autonomous*".[59] The lack of state autonomy has become even more significant with the expansion

57. Pathya Saihoo, "Problems in Cultural Development", in Sandhu K.S.; Siddique, Sharon; Jeshurun, Chandran; Rajah Ananda; Tan Joseph L.H.; and Thambipillai, Pushpa, *The ASEAN Reader*. Singapore: Institute of Southeast Asian Studies, 1992, pp. 136-140.
58. ASEAN Secretariat, *Indonesia assumes Chairmanship, Promotes People-centred ASEAN,* 6 January 2011. Available on ASEAN website http://www.aseansec.org/25737.htm.
59. Stephen Krasner, "Rethinking the sovereign State model", *Review of International Studies*, n. 27, 2001, pp. 17-42.; see also Ulrich Beck, "The Terrorist Threat: World Risk Society Revisited", *Theory, Culture Society*, vol. 19, no. 4, 2002, pp. 39-45.

of security threats, which mostly outruns the capacity of states to unilaterally find adequate responses to tackle them. In contemporary societies this trend is even more prominent as the majority of risks do not take place within the nation state boundaries. The "spatial dimension" (or territoriality) defined by John Hertz as the *hard shell* of the Westphalian system (Hertz 1957) has gradually lost its conceptual force as states are neither able to control their activities within their borders nor are they are immune to external threats coming from both traditional and new sources of insecurity, such as conflicts, humanitarian disasters, failing states, transnational crime, pandemic diseases, terrorism and climate change. Geographic proximity reinforces interconnections and the absence of effective barriers from one state to another risks externalizing domestic disturbances thus producing destabilizing effects beyond national states' boundaries. Growing interdependence implies, in fact, that domestic disequilibria are often transformed into regional/global imbalances and that security threats cannot be simply confined to one single state but, on the contrary, have the potential to be transmitted to other areas.[60]

In the Southeast Asian region, for instance, the Khmer Rouge programme of massive domestic repression forced many Cambodians to flee to Thailand.[61] By 1978 the massive number of refugees strained border relations between Thailand and Cambodia and an armed conflict erupted, destabilizing the region. Large-scale population movements and exodus from Kampuchea continued after the military action taken by Vietnam to overthrow Pol Pot's regime leading again to rising tensions with Thailand and along the Thai-Laos border. To this regard it is worth mentioning recent data collected by DeRouen and Bellamy, that counted 5 conflicts between Cambodia and Thailand emanating from waves of refugees (1953-May 1975; December 1975-February 1976; November-December 1976; January 1977- October 1978; December 1979-October 1980).[62]

The issue of refugee flows resulting from the presence of authoritarian political systems and, more recently, also from other sources of insecurity has continued to

60. Anthony McGrew, *The Transformation of Democracy? Globalisation and Territorial Democracy*. Cambridge: The Open University, 1997, p. 6-21.
61. Karl DeRouen and Paul Bellamy, *International Security and the United States: an Encyclopaedia*. Westport: Prager Security International, 2008, p. 125.
62. ibidem.

be an important source of destabilization in Southeast Asian history. Furthermore, the 1997 Asian financial crisis showed the risk that a stronger economic integration may turn into the new transmission belt of exogenous shocks and negative externalities on national economies that go beyond the control of single national states. Finally, the ascendance of non-traditional security challenges, from terrorism, to transnational crime, climate change, pandemics and natural disasters is the new feature of growing regional interdependence. In the last decade, in fact, the latter has become the new and most severe threat crossing Southeast Asian countries and imposing uncompensated costs on states, people and communities.

All these factors, together with the economic and political uncertainties of the post Cold War required, therefore, the search of new forms of security arrangements for the management of common problems and the regulation of crises. In an era of heightened global and transnational challenges, many ASEAN states have thus attempted to improve collective responses to pressing global problems, which led ASEAN to embark in an array of cooperative projects in economics, disaster management, transnational crime and terrorism, legal cooperation and immigration. Some ASEAN members recognized also the need for a more flexible engagement (proposed by former Thai Foreign Minister Pitsuwan) to deal with "complex" domestic situations having a cross border effect. The ASEAN Charter is the latest effort to respond to these pressures and to try to improve coordination amongst intra-ASEAN positions and policies.

These efforts gave new breath to liberal institutional approaches, which largely benefited from the success of multilateralism in the Asia Pacific in the first half of the Nineties and of peaceful intra-ASEAN relations.[63] Given the new context, according to neoliberal institutionalists, institutions turn into being the most appropriate vehicles of cooperation and promising instruments to mitigate

63. Micheal Leifer, *The Asean Regional Forum*, Adelphi Paper no. 302, London, Institute of Strategic Studies, July 1996; Malcolm Chalmers, "ASEAN and confidence building: continuity and change after the Cold war", *Contemporary Security Policy*, vol. 18, no. 1, pp. 36-56. Shaun Narine, "State Sovereignty, political legitimacy and regional institutionalism in the Asia Pacific", *The Pacific Review*, vol. 17, no. 3, 2004, pp. 423-450.

international anarchy.[64] By providing information, reducing transaction costs and making commitments more credible, institutions can, in fact, offer a way forward for a benign political environment[65], and prove to be useful coordinating mechanisms in complex situations involving many states as well as the *"constructed focal points"* that make cooperative outcomes more probable.[66]

The validity of these arguments came, however, under strong attack during the Asian financial shock that hit the region in 1997-1998, when the Association failed to be "*a useful coordinating mechanism*" to cope with the crisis. The scepticism on the theoretical usefulness of this paradigm was also fed by ASEAN preference for a shallow institutionalization, for the attachment to the principles of non-interference, sovereignty and consensus based decision-making processes. Furthermore, the fact that ASEAN members rejected to "pooling" state sovereignty to supranational structures and showed determination in defending, at least rhetorically, the Westphalian principles of "sovereignty" (despite the ASEAN security agenda being enlarged to include, at least formally, issues such as human rights and democracy) pushed scholars to consider ASEAN as a weak institution.[67] The same Leifer described ASEAN as an "*underdeveloped institution because of its lack of commitments to more legalistic mechanisms, that to its mind would restrain its members more effectively".*[68] ASEAN, in fact, unlike other regional institutions, neither relies on European-style legalistic mechanisms for collective action, nor put into force coercive instruments to push its members to comply with its principles.

ASEAN, however, never had the ambition to engage in far-reaching institutional cooperation, like the EU. Consequently, Asian institutions should not be treated as other institutions of the Western world. Equally, the presence of a complex infrastructure and of a heavy bureaucratic system are not always synonymous or

64. Robert O. Keohane and Lisa Martin, "The Promise of Institutionalist Theory", *International Security,* vol. 20, no.1, 1995, pp. 39-51.
65.ibidem.
66. ibidem.
67. Shaun Narine, "State Sovereignty, political legitimacy and regional institutionalism in the Asia Pacific", cited.
68. Micheal Leifer as quoted by Joseph C. Liow and Ralf Emmers, "Introduction", in Joseph C. Liow and Ralf Emmers, *Order and Security in South East Asia. Essays in Memory of Micheal Leifer*. New York: Routledge, 2006, pp. 1-9.

the best approach to achieving international cooperation. Then, as noted by Finnemore, there are many ways to structure social action and institutions can become effective guides to social behaviour also in terms of roles, rituals, duties and obligations that are not consequentialist in a Western rational way.[69] Additionally, it is the same Krasner that divides institutionalist theory into two camps: those who focus on how institutions constrain agent choice given a constant set of preferences and those who focus on how institutional features and agent interests are mutually constitutive both evolving in a direction that was not fully anticipated at the start.[70] According to this perspective, institutions do not simply place exogenous constraints on actors in the form of monitoring, rewarding or sanctioning, but they are equally important, as "*social environments"* where group interaction creates social pressures, incentives and environments conducive to persuasion. Alternatively, one could also say that ASEAN central constrain is neither material not legal but normative. In other terms, the mechanism of constraint is a kind of social sanction, resulting from the loss of credibility in cases of non compliance.

The ASEAN institutional setting created, indeed, the proper environment to strengthen habits of cooperation amongst ASEAN members and between ASEAN and its external partners functional for the development of cooperative outcomes. In this sense the remarkable number of formal and informal meetings, also on issues of functional cooperation (energy, tourism, environment and agriculture) became the driving force behind a process of socialization, which is seen as a crucial component to build regional confidence and trust. Equally, the flow of communication and material transactions and the development of policies for

69. Martha Finnemore, "Norms, Culture and World Politics: Insights from Sociology's Institutionalism", cited.

70. Celeste Wallander, Helga Haftenforn and Robert Keohane, "Introduction", in *Imperfect Unions. Security Institutions over time and space.* Oxford: Oxford University Press, 1999; Alastair I. Johnston (1999) , "The Myth of the Asean Way? Explaining the Evolution of the Asean Regional Forum", in Celeste Wallander, Helga Haftenforn and Robert Keohane, *Imperfect Unions. Security Institutions over time and space.* Oxford: Oxford University Press, 1999; Lisa Martin and Beth Simmons, "Theories and Empirical Studies of International Institutions", *International Organization*, vol. 52, no. 4, Autumn, 1998, pp. 729-757. See also Hiro Katsumata*, East Asian Regional Security Governance. Bilateral Hard Balancing and ASEAN's informal cooperative security*, Paper presented at the International Studies Association Annual Convention (ISA), New Orleans, 20 February 2010.

conflict prevention pushed ASEAN members to accommodate inter state tensions, avoid military confrontation and, hopefully in time, also find a way to act together, even if short of a legalistic mechanism of compliance. However, in the last decade, the Association has also sought to refine its raison d'être to become a more rule-based organization. The new ASEAN architecture, founded on the three political-security, economic and socio-cultural pillar similar to the European Union structure, is intended to more actively address regional problems and to bring ASEAN to a new stage.

Despite its institutional constraints ASEAN thus emerged as a new international actor.[71] Particularly, in the aftermath of the Cold War ASEAN enormously boosted its external role. Its institutionalized dialogues with industrialized countries, the acquisition of observer status at the UN, the several visits of US President Obama and Secretary of State Hillary Clinton to Southeast Asian countries, as well as the organization of two US-ASEAN meetings, one held in Singapore and the latter in New York in November 2010, are a clear reflection of the growing international "presence" of the Association. Equally significant is the improvement of ASEAN "capability". ASEAN, in fact, has been able to formulate policies aimed at designing common principles and norms and a common code of conduct of interstate relations within ASEAN and also at a broader regional level, which suggest the possibility that the ASEAN model may become an alternative influential option to the dominant Western paradigm to "global governance".[72]

Recent activities, such as the delivery of aid to Myanmar's Cyclone Nargis in the face of the humanitarian disaster and the adoption of the ASEAN Convention to Counter Terrorism usher in the possibility of an increasing internal cohesion of the organization in the face of common problems. In agreement with Adler, one can thus argue that the ASEAN "*development of a community of practices*", was instrumental to "*the learning of new identities through negotiation and reification*

71. For a conceptualization of "actorness" see John Vogler and Charlotte Bretherton "The European Union as a Protagonist to the United States on Climate Change", *International Studies Perspectives*, vol.7, pp. 1-22, 2006.

72. To this regard it is notable to remark that the Treaty of Amity and Cooperation, which defines the core principles of the ASEAN way to interstate relations and conflict management has been also ratified by Australia, People's Republic of China, France, New Zealand, India, Japan, Mongolia, Pakistan, Papua New Guinea, Republic of Korea, Russian Federation and Timor Leste.

of meanings".[73] In other words, the Association, by setting common principles and the learning process of getting together was able to create a new formal relation founded on the adoption of CS measures.

2.3. ASEAN and cooperative security: building a regional security partnership in Southeast Asia

In the Southeast Asia region the request for a regional approach for the co-management of security problems and, in order to facilitate cooperation ranging from the attending of the traditional security agenda to the attending of the new security agenda was already present before the end of the Cold war. In this perspective, the Treaty of Amity and Cooperation (TAC) signed at the first ASEAN Summit held in Bali in 1976, was the first instrument to define an embryonic CS framework resting on ASEAN principles to conflict management, notably known as the "ASEAN way". In the same year the ASEAN Secretariat was established to coordinate ASEAN organs and implement ASEAN projects and activities.

Regional CS was, nonetheless, obfuscated by great power competition and by the establishment of a network of bilateral and multilateral alliances focused on nuclear deterrence. New opportunities to strengthen CS initiatives were offered in the Nineties with the vacuum left by the great powers' declining commitment in the region. To this regard, in 1992, at the 25th AMM of Manila, the Foreign Ministers of ASEAN countries noted that the profound impact of the end of the Cold War and of the East-West confrontation was bringing "*strategic uncertainties*" but also "*fresh opportunities*".[74] ASEAN was called, in fact, to confront itself with the emergence of the multifaceted nature of threats to security and also with the ascending opportunity to shape the parameters of its own

73. Emanuel Adler, "The Spread of Security Communities: Communities of Practise, Self-restraint, and NATO's Post Cold War Transformation", *European Journal of International Relations*, vol. 14, no. 2, 2008, pp. 195-230.
74. ASEAN Secretariat, *Joint Communique 25th ASEAN Ministerial Meeting*, Manila, Philippines, 21-22 July 1992. Available at ASEAN website: http://www.aseansec.org/3667.htm.

security. The new environment gave, therefore, a new impetus to regional cooperation offering the proper terrain for the development and consolidation of the ASEAN CSS, notably the ASEAN regional security partnership (RSP).

CS thus become one of the most popular idea of the post Cold War era.[75] Particularly, the notion started to be employed to underline the progressive replacement of traditional military alliances by arrangements "*with other partners as opposed to the notion of cooperative security against an enemy*".[76] The notion, however, was used *rather loosely* and without having a precise connotation. For instance, some academic contributions have pointed out the idiosyncratic nature of CSS centred on the efforts of countries to "*manage their security choices through discussion, negotiation, and cooperation*". Notably these scholars have highlighted that in CSS communication and dialogue are primary sources for the co-management of areas of mutual interest so that "*consultation is preferred to confrontation, reassurance to deterrence, transparency to secrecy, prevention to correction, and interdependence to unilateralism.*"[77]

Another way to deal with the notion of CS was more recently proposed by Dunn. To the scholar CS not only "*emphasizes a shared readiness of countries to accommodate their interests"* but also *"to manage state interactions acknowledging the security interests and perspectives of partners".* In this view *"cooperative security does not imply a full convergence of security interests, but a general disposition to manage areas of disagreement, and to contain the negative spillovers effects on areas of mutual interests*.[78] In so doing Dunn remarks the importance of states' disposition to manage intra-mural issues even when their

75. Ralf Emmers, *Cooperative Security and the Balance of Power in Asean and the ARF*. London: Routledge Curzon, 2003; Hiro Katsumata, *ASEAN's Cooperative Security Enterprise, Norms and Interests in the ASEAN Regional Forum*. New York: Palgrave Macmillan, 2009; Amitav Acharya, "Regional Institutions and Security in the Asia Pacific: Evolution, Adaptation and Prospects for Transformation", in Amitav Acharya and Evelyn Goh, *Reassessing Security Cooperation in the Asia Pacific: Competition, Congruence and Transformation*. BCSIA Studies in International Security, MIT Press, 2007, pp. 19-39.

76 Ralf Emmers, *Cooperative Security and the Balance of Power*, cited.

77. Gareth Evans, "Cooperative Security and Intrastate Conflict", *Foreign Policy*, no. 96 (Autumn 1994), pp. 3-20.

78. Lewis A. Dunn, "The role of cooperative security", in Jeffrey A. Larsen and James J. Wirtz, *Arms Control and Cooperative Security*. Boulder, Colorado: Lynne Rienner, 2009, pp. 175-193.

security interests differ, thus offering important insights into the study of this field. In fact, the agreement to manage state interactions and mutual interests is not preconditioned by the homogeneity of states' political stances and goals nor by the similarity of values and political systems. That suggests that even in those regions characterized by complex mosaics of institutions, languages, cultures and divergent security interests, states can be disposed to search for common solutions without recurring to coercive or military means and with the intention to avoid potential negative consequences caused by the lack of reciprocal interactions. In other terms, to Dunn it is the expectation to get mutual benefits from cooperation that acts as the driving force behind the construction of CSS.

An alternative approach to CS is then proposed by the Indian scholar Acharya, who underlines the "Asia Pacific" version of CS marked by its less-legalistic nature, by the lack of formal commitments against aggression from within a group and by the attitude to encourage confidence building and preventive diplomacy as mechanisms to achieve intra-group understanding and reduce tensions and conflicts.[79] Along the same lines Leifer argues that the distinctive modality of CS is the centrality of suasion (through peer group pressure and dialogue) rather than economic and military sanctions to obtain the adhererence to standard international norms.[80] Finally, the notion of CS as developed by the Canadian-initiated North Pacific Cooperative Security Dialogue came to be known as complementary to the notion of comprehensive security in dealing with a post Cold war environment increasingly challenged by non-military threats affecting the security of individuals, communities, societies and nation-states as well as the international system.[81]

The large number of definitions and approaches, bear witness to the volatility of the notion of CS, which apparently fails to capture the level of security institutionalization and security cooperation that the members of the system are

79. Amitav Acharya "Regional Institutions and Security in the Asia Pacific: Evolution, Adaptation and Prospects for Transformation", cited, p. 23.
80. Michael Leifer, " The ASEAN Peace Process: A category Mistake", in Micheal Leifer, Kin Wah Chin, Leo Suryadinata, *Micheal Leifer Selected Works in Southeast Asia*, cited., pp. 122-125.
81. David. B. Dewitt and Carolina G. Hernandez, "Defining the Problem and Managing Uncertainty", in David Dewitt and Carolina G. Hernandez, *Development and Security in Southeast Asia. Vol. III: Globalisation.* Aldershot: Ashgate, 2003.

able to attain. To this regard, a promising way to overcome the weakness of the concept is proposed by Attinà, who suggests distinguishing CSS along a line from a zero level of coordination to the most institutionalized form of security cooperation, which is a security community.[82] This distinction provides a useful analytical lens to put under scrutiny the Southeast Asian process of regional security cooperation. Indeed by utilising this approach it should be possible to draw the kind of CSS that is taking place in Southeast Asia.

To Attinà, the most traditional and oldest forms of security cooperation are *alliances,* designed for both defence and attack purposes and usually conceived against a commonly perceived external threat. In the Southeast Asia region alliances reflected the post Second World War environment and the balance of power system. Bilateral defence arrangements provided the basis for defending against the perceived communist threat, but in the world of today their importance is less relevant as alliance theory fails to capture contemporary security dilemma and those situations, which are not characterized by a specific antagonist posing a constant threat.

Next, there are *collective security systems,* which reflect a higher degree of security cooperation. Collective security is aimed at preventing, or containing, war by assuring a response to any act of aggression or threat to peace among its members. In the Southeast Asian region, the only multilateral collective security arrangement was the SEATO organization that provided only a marginal contribution to regional security lacking the regional coherence and credibility and having only a minimal US guarantee. At a multilateral level, instead, the UN collective security system, has just worked on two occasions: East Timor and Cambodia. The United Nations Advance Mission in Cambodia (UNAMIC) was established in 1991 to assist the Cambodian parties to secure their cease-fire and to initiate mine awareness training of the civilian population. In 1992 the mission and its functions were subsumed by the United Nations Transitional Authority in Cambodia (UNTAC), which had the mandate to protect human rights, to organize

82. Fulvio Attinà, *The Euromediterranean Project of Security Partnership in Comparative Perspective*, cited. Fulvio Attinà, *Security Agenda in the Mediterranean Region*, Eu4seas paper. Politics and Security, 2009. Available for free downloading from http://www.eu4seas.eu.

elections, civil administration, law and order, the repatriation of refugees and rehabilitation of Cambodian infrastructure. In East Timor, the deployment of the Australian-led peace keeping mission International Force for East Timor (INTERFET) in September 1999 was crucial to control violence and large scale humanitarian relief and was the necessary step for the establishment of UNTAET (United Nations Transitional Administration in East Timor), the civilian mission, to administer the Territory, exercise legislative and executive authority during the transition period and support capacity building for self-government. UNTAET was succeeded by the United Mission of Support East Timor (UNMISET) established by the Security Council resolution of 2002 to provide assistance to the core administrative structures critical to the viability and political stability of East Timor.

Following along the line of CSS, the most developed form of CS includes those systems, which are not exclusively directed against any specific state/challenge and coalition and that are characterized by the adoption of measures aimed uniquely at the reduction of the risk of war, namely *security communities*. As argued before, the key feature of a security community is the presence of common values, which render possible the development of a sense of belonging, accompanied by formal or informal institutions or practices, capable of assuring peaceful change over a long period of time.[83] Resuscitating this model Adler and Barnet made also the distinction between "*loosely pluralist security communities"* where states maintain their legal independence and "*tightly coupled security communities"* that are characterized by emerging government centralization. The existence of these security communities is recognized in the EU and in the North Atlantic region. But it is difficult to recognize ASEAN as a pluralist security community, mostly due to cultural diversities among its members *"ASEAN, in fact, is an association with great diversity that is composed of societies and political constituencies ... marshalled in the cause of ASEAN solidarity and cooperation, behind the validity of the ASEAN idea"*.[84]

83. Karl Deutsch et al., *Political Community in the North Atlantic Area,* cited.
It has to be noted that in the course of the last two decades several studies conducted on regional security dynamics failed to consider the development of cooperative security

Only by relying on an alternative concept we can hence encapsulate the ASEAN CS enterprise, and the instruments and means set up among its members to accommodate their interests. Thus we propose to analyse the regulation of the ASEAN regional security cooperation under the lens of an alternative security framework, the *regional security partnership* (RSP), which better fits the set of Southeast Asian security relations that stand between unstructured regional relations and security community structured relations.

The RSP is the arrangement created by the majority of states in the region, which act together through a variety of "flexible means" that can be either formal or informal (military and non military, internal and international measures) in order to co-manage security problems.[85] Contrary to security communities, which require collective identity and shared norms, the development of a RSP does not require homogenous cultures and institutional values as preconditions to further cooperation and policy coordination. On the contrary, regional security cultures can be diverse. Nonetheless, states are bound together by the awareness of common problems, by mutual interdependence and by the imperative necessity of collective action. So as in other regions of the world (like the Euro Mediterranean region, Northeast Asia and the Asia-Pacific), geographic proximity, political and economic interdependence as well as geopolitical burdens became the transmission belt for the development and consolidation of common projects and common institutions to better respond to mutual challenges. That is to say the recognition of shared interests strengthens the willingness to cooperate in order to increase economic and social transactions and reduce the risk of violence. Equally

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arrangements among states in a region, despite their importance also in areas of the developing world such as East Asia and the Pacific, Central Asia and Africa.

84. Rodolfo Severino, "Asia Policy Lecture: What ASEAN is and what is stands for", cited.

85. Fulvio Attinà, *Regional security partnership: the concept, the model, practise and a preliminary comparative scheme*, cited; Fulvio Attinà, *The Euro-Mediterranean project of security partnership in comparative perspective,* cited; Fulvio Attinà, "The Building of Regional Security Partnership and the Security-Culture Divide in the Mediterranean Region", in Adler Emanuel et al., *The convergence of civilizations. Constructing a Mediterranean Region*. Toronto: University of Toronto Press, 2006; Fulvio Attinà, "The European Security Partnership: a comparative analysis", in Foradori Paolo, Rosa Paolo and Scartezzini Riccardo, eds., *Managing multi-level foreign policy. The EU in international affairs*. Lanham: Lexington Books, 2007; Fulvio Attinà, *Security Agenda in the Mediterranean Region*, cited.

the widening, and eventually also the deepening of regional institutions, grew out of the awareness that common challenges call for common efforts and growing cooperation at a regional level.

Attina's framework is thus very pertinent to describe the CS building that is taking place in the Southeast Asian region. Indeed, from the outset, the ASEAN RSP, is marked by the common endeavour to develop intra-mural cooperative arrangements in the absence of similarity of culture, institutions and under different strategic threat perceptions. [86]

These differences and limitations have, in fact, not prevented Southeast Asian states from pursuing common goals for managing and containing interstate tensions and develop a core structure for regional collaboration even if during the process of negotiation of the Bangkok Declaration strong divergences of views and interests emerged amongst ASEAN states, which reflected the experience of the *Konfrontasi* as well as the sense of vulnerability of some of the prospective regional partners.[87] To this regard it is then worth noting that the ambition to manage the regional order constituted the basis to converge around some agreed principles of regional cooperation and to foster shared security goals. The Association thus primarily came to life under the common understanding that a regional approach to problem solving was indispensable due to geographic proximity, the presence of common political and economic burdens, and similar security threats. Remarkably, as argued by H.E. S. Rajaratnam, Foreign Minister of Singapore at the 2nd AMM: "*We know that the self regarding nationalism, which was essential to sustain and inspire us during our struggles for independence has to be modified and transformed to cope with the reality of interdependence of nations*". It is, then, under the stimulus of this growing interdependence that a new way for the governing of regional affairs was allowed.

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86. See: Donald Emmerson et al., "Critical Terms, Security Democracy and Regionalism in Southeast Asia", in Donald Emmerson, *Hard Choices: Security, Democracy and Regionalism in Southeast Asia.* Shorenstein APARC, Brooking Institution Press, 2008, p. 21. See also Jürgen Haacke and Paul Williams, *Thinking About Security Cultures in Africa and Southeast Asia,* Paper presented at the ISA Annual Convention, Chicago, USA, 28th February- 4 March, 2007.

87. Micheal Leifer, "ASEAN's Search for Regional Order", in Micheal Leifer, Kin Wah Chin, Leo Suryadinata, *Micheal Leifer: selected works on Southeast Asia.* Singapore: Institute of Southeast Asian Studies, 2005, pp. 98-108.

Paraphrasing, in fact, the words of the first Declaration of ASEAN Leaders the establishment of a regional Association was functional to the strengthening of cooperative ties, necessary to ensure peace, progress and stability:

"MINDFUL of the existence of mutual interests and common problems among countries of Southeast Asia and convinced of the need to strengthen further the existing bonds of regional solidarity and cooperation"

Bangkok Declaration, Bangkok, Thailand, 8 August 1967.

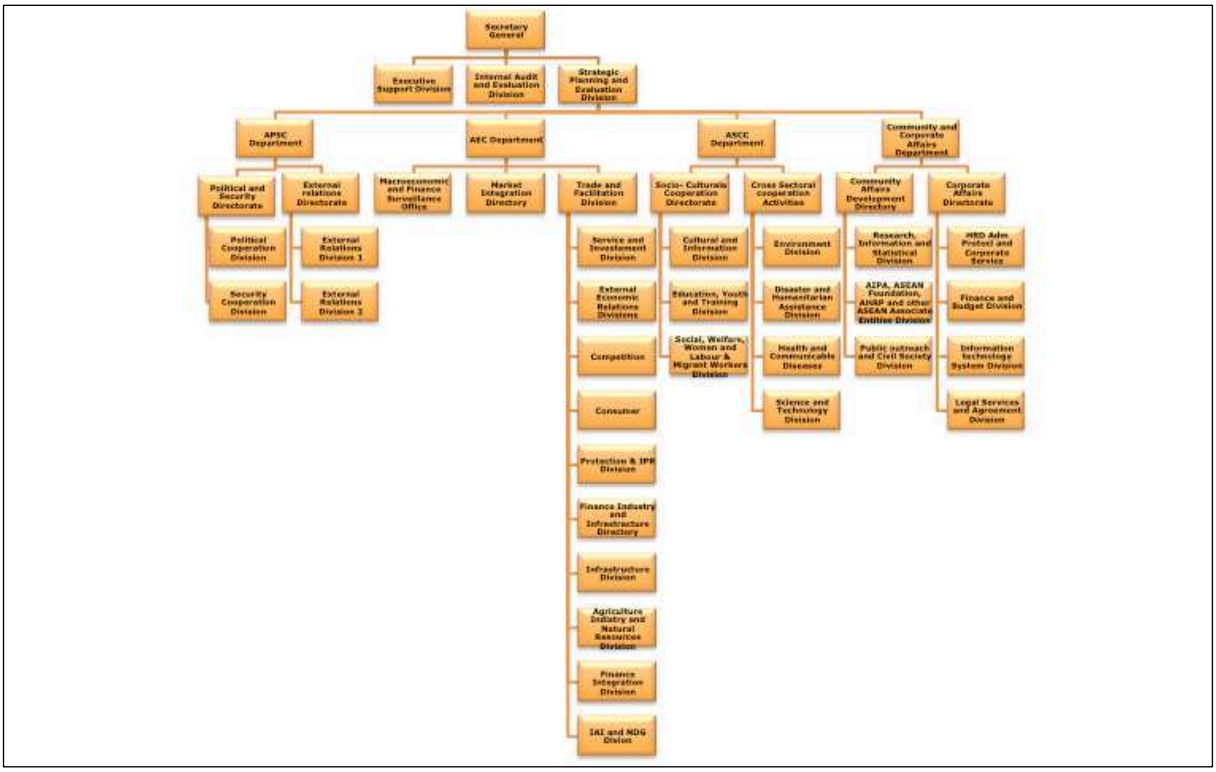
However the construction of the ASEAN RSP in 1967 goes beyond a statement of ideas. This can be witnessed in the cautious building of the first instruments of cooperation and multilateral offices: the Annual Meetings of Foreign Ministers (AMM); the Standing Committee, having as its members the accredited Ambassadors, and aimed at carrying out the work of the Association between Meetings of Foreign Meetings; the Ad hoc Committee and Permanent Committees of Specialist and Officials; and the National Secretariat in each member country to carry out the work of the Association.

Nevertheless, only in 1976, did the new international scenario offered the necessary political space to develop the ASEAN RSP.[88] In that year, indeed, on one hand, the ASEAN institutional infrastructure was improved, in particular with the establishment of the ASEAN Secretariat, created to provide greater efficiency and coordination among ASEAN organs.[89]

FIGURE 2.4. ASEAN SECRETARIAT ORGANIZATIONAL STRUCTURE
Source: ASEAN Website, July 2010.

88. On this issue see also pp. 44-45.

89. In the run of the years the Secretariat has acquired a crucial centrality into ASEAN structure. During the Sixth ASEAN Summit of 1998 it was decided to "*review its role, functions and capacity to meet the increasing demands of ASEAN and to support the implementation of the Hanoi Plan of Action*" and to pursue this mandate the ASEAN Standing Committee established Special Directors-General Working Group on the Review of the Role and Functions of the ASEAN Secretariat that agreed that the ASEAN Secretariat should function as coordinating Secretariat to help facilitate effective decision-making within and amongst ASEAN bodies.



On the other, as will be argued in the next chapter, the 1976 has viewed the adoption of the TAC, which is the agreement that defines the core principles of the "ASEAN way" to conflict avoidance and co-management of security. Significantly, with the adoption of the TAC ASEAN members defined the first regional diplomatic instrument that allows for a common code of conduct of their relations. Furthermore, they agreed to *"maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views actions and police"* (art. 9. TAC) and to settle disputes through regional processes.

The ASEAN RSP could, however, consolidate only in the wake of the Cold War when the condition for a more relaxed competition between major powers was finally met.

2.4. The consolidation of the ASEAN partnership in the post Cold War era

Only in the course of the Nineties did the ASEAN RSP grow and strengthen itself against the backdrop of changes in ASEAN's environment marked by

decreasing power competition. In fact, the end of the Cold War left a political vacuum characterized by the transformation of the distribution of power, notably, the Soviet Union withdrew from its bases in Cambodia and Vietnam and then collapsed, China and India experienced an unprecedented economic rise and political dynamism, and ASEAN ended up being one of the bulwarks of US foreign policy. To this regard, ASEAN countries had to confront significant changes, which led them gradually to reconceptualise their relationship. On one side, US budget constraints forced the US administration to reduce its troops in Southeast Asia and to close its naval bases. Furthermore, during the Asian financial crisis in 1997 the US did not offer financial aid to the region thus feeding the image that its role in Southeast Asia was declining. On the other side, the ascendance of China started to be perceived as both a threat and an opportunity. The threat was the potential dominant influence of the PRC over the political systems and economies of the small Southeast Asian countries. The opportunity was to take advantage of China's booming economy and market size. Soon China's domestic oriented policy and its focus on its internal development turned ASEAN members to consider their Northern neighbour as an opportunity, particularly in terms of trade and potential growth.

The wide range of transformations touched the Southeast Asian region also at an internal level. Political change and democratization in Indonesia, the Philippines and Thailand had a far-reaching impact, while the former Indochinese states welcomed the opportunity to be involved in a new framework of cooperative arrangements.[90] Significantly also at the global level the emergence of multilateral security fora, culminating in the establishment of the ARF, with a membership that comprises all regional countries and major powers opened the way towards a new climate, more relaxed and apparently disposed to cooperation. Finally, the network of overlapping frameworks for security cooperation among countries of

90. Jörn Dosch, *The Changing Dynamics of Southeast Asian Politics*. Boulder, Colorado: Lynne Rinner, 2007. The process of norm localisation is well explained by the study of Amitav Acharya that explains the complex and dynamic process and outcome by which norms takers build congruence between foreign norms and local beliefs and practises to ensure the norm fits with the cognitive priors and identities. See Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localisation and Institutional Change in Asian Regionalism", *International Organization*, vol. 58, Spring 2004, pp. 239-275.

North-East and Southeast Asia and South Asia, usher an era of interlocking security networks of security cooperation across Asia. This development reflected, indeed, a growing trend towards less reliance on military alliances and bases by major powers and more emphasis on cooperative arrangements to work for the common security of countries.[91]

Therefore, it is no surprise that ASEAN members tried to strengthened their intra-mural partnership, habits of cooperation and conflict avoidance mechanisms through a process of *localization,* marked by the strengthening of the "*ASEAN values"* as an alternative model to the West.[92] The ASEAN RSP was thus consolidated with new agreements, norms and mechanisms to solve disputes and foster regional security cooperation. Particularly, the most relevant aspect of the new consolidated partnership is the process of community building launched at the ASEAN Summit of Bali in 2003. The Summit gave the start to an ASEAN Community centred on three pillars: the ASEAN Security Community (ASC) (defined until 2007 as ASEAN Political Security Community-APSC) to enhance peace, stability, democracy and prosperity in the region through comprehensive political and security cooperation; the ASEAN Economic Community (AEC) to enhance competiveness for economic growth and development to closer economic cooperation; the ASEAN Socio-cultural Community (ASCC) to sustain social and functional cooperation.

The need to rejuvenate ASEAN through the launching of the Community was largely the result of the growing regional interdependence and of necessity to find common approaches to regional issues. Indeed, the ASEAN Community conveys the idea of certain economic, social and security bonds stemming from proximity, moral ties, common interests, neighbourhood, friendship and so forth.[93] In particular, the catalyst for community building efforts was the ASEAN economic crisis of 1997/8 that severely tested ASEAN capacity thus putting under question the Association's capability to provide a concerted response to the turmoil.

91. Mushaid Ali, "Fresh Impetus for an Asian Security Community", *The Straits Times*, Singapore, 26 November, 2003.
92. Anya Jetschke and Jürgen Rüland, "Decoupling Rhetoric and Practise: the cultural limits of ASEAN cooperation", *The Pacific Review*, vol. 22, no. 2, 2009, pp. 179-203.
93. Jakarta Post, "From Bali with a deeper sense of community", *Jakarta Post*, October 18, 2003.

Besides this, the terrorist attacks in Indonesia from extremist Islamist groups connected to Al Qaeda made security a central focus of Southeast Asia. Thus, as Sukma's argued, the proposal of the ASC was based on the recognition of the ASEAN's declining status following the Asian economic crisis and the growing threat to terrorism.[94]

In the wake of these events, Indonesia, as chair of the ASEAN Standing Committee, submitted a proposal to create an ASC by 2020. The proposal called for a framework that allows member states to work together on sensitive security issues, especially those, which are transnational in nature.[95] Driving the plan was also an understanding that in parallel with major economic integration there was a need to build a framework for political and security cooperation. The framework of security cooperation remained embedded in ASEAN's existing norms. But the Declaration of Bali Concord II gives major emphasis to the principle of *comprehensive security*, which committed more actively to address the broad spectrum of political, economic, cultural, environmental challenges to security in the building of the ASEAN Community (ASEAN Security Community Plan of Action). The notion of comprehensive is, in fact, intended to go beyond the exclusive military dimension of security to capture the holistic and interdependent nature of insecurity processes. An example of this new vision is the introduction of instruments of regional cooperation on various non traditional security issues, such as transnational crime, maritime cooperation, terrorism, environment, that can make it easier for member states to request assistance.

Additionally, with the ASC, the ASEAN RSP was strengthened by the development of a variety of multilateral offices to build a new regional capacity for security and defence cooperation. In relation to this aspect the most notable effort is the foundation of the ASEAN Defence Ministers Meeting (ADDM) to be the highest ministerial defence and security consultative and cooperative mechanism for regional security issues among the ASEAN member states. The ADMM is aimed at increasing the synergies amongst Southeast Asian military

94. Rizal Sukma, "The Future of ASEAN: Towards a Security Community", Paper presented at a seminar on *ASEAN Cooperation: Challenges and Prospects in the Current International Situation,* New York, 3 June 2003.
95. Leonard Sebastian and Chon Ja Ian, "Towards and Asean Security Community", *The Straits Times,* Singapore, 7 October, 2003.

forces. In fact, for years military-to-military cooperative activities were conducted at various levels, including on a bilateral basis, and were lacking in significant coordination. In particular, ASEAN Defence Ministers and Service in Chief were involved in a variety of security dialogues through the participation in the Annual ASEAN Senior Official Meeting, (ASEAN Special SOM) and in the Meetings of the ARF (Ministerial Meeting, ARF Senior Official Meeting, Intersessional group on confidence building measures, the Security Policy Conference and Defence Officials' dialogue). Some attempts to enhance regional coordination were put into place in the course of the last decade, and meetings between ASEAN Chief Defence Forces, Chiefs of Armies, Navies and Air Forces started to be held regularly in the form of ASEAN Chiefs Defence Forces Informal Meeting- ACDFIM (since 2001), ASEAN Chiefs of Army Multilateral Meeting- ACAMM (since 2000), the ASEAN Navy Interaction- ANI (since 2001) the ASEAN Air Force Chiefs Conference- AACC (since 2004) and the ASEAN Military Intelligent Informal Meeting- AMIIM.

With the creation of the ADMM as the highest forum of dialogue and security cooperation, the ASEAN RSP could leap forward. Then by creating a framework for practical cooperation among ASEAN militaries on defence and security ASEAN was first enabled to overcome the difficulties caused by the lack of coordination and to achieve a greater capacity to respond to contemporary threats and coordinate disaster relief. The positive result of the ADMM in building confidence, consolidating solidarity and defence cooperation can already be seen. In fact, after only five years of development, Defence Ministers of ASEAN countries have had an annual exchange of views on regional and international security, and among other initiatives, Ministers have adopted three concept papers on: "The use of ASEAN Military Assets and Capacities in Humanitarian Assistance and Disaster Relief", "ASEAN Defence Establishment and Civil Society Organization Cooperation on Non Traditional Security" and the "Concept Paper on ADMMPlus: Principles for Membership". This last paves the way for broadening cooperation between ASEAN and its external partners with the aim of facilitating strategic dialogues and promote practical cooperation, through levering resources, experience and expertise.

In addition to these initiatives the ASEAN RSP was further strengthened by the adoption of the ASEAN Charter on 20th November 2007, which gave the Association a legal personality and designed its new institutional framework. With the ASEAN Charter, ASEAN plans to become a more rule-based organization characterized by the commitment to intensify community building through the enhancement of regional cooperation and integration. New operative instruments are set up for the settlement of disputes and to guarantee the compliance of ASEAN members to its principles, giving a major role to the ASEAN Chair, to the ASEAN Secretary General and to the ASEAN Summit to which states have to refer unresolved disputes. A new restructuring of the ASEAN Secretariat has also taken place to coordinate the activities undertaken by the three Communities.

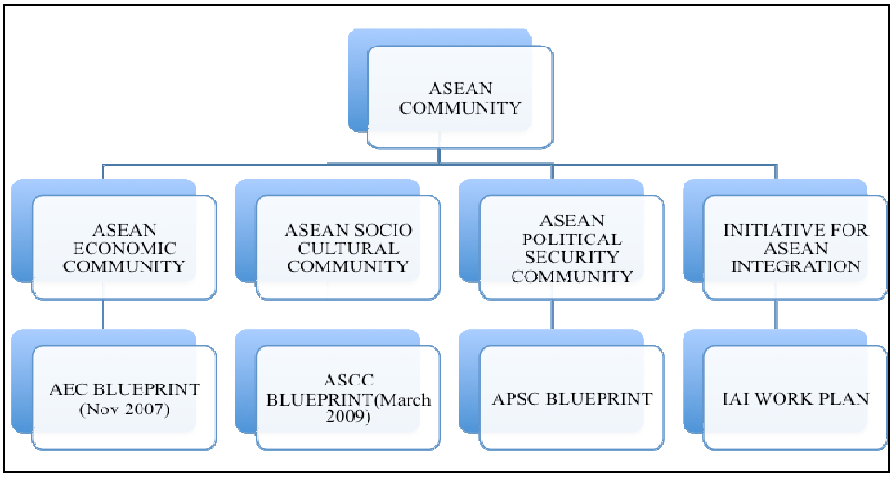
Finally, besides intra-ASEAN initiatives, the construction of the ASEAN RSP was marked by the growing involvement of extra-regional actors resulting from the ambition to strengthen ASEAN centrality in the security architecture of the Asia Pacific. In this perspective, the Association intensified its efforts to move from an "*inward looking community"* to a "*Southeast Asian concert open and outward looking*" [96] and, with this goal in mind, framed cooperation projects with external partners.

The ASEAN Dialogues involve nowadays major regional and international powers: Australia, Canada, China, the European Union, India, Japan, the Republic of Korea, New Zealand, Russia, United States and Pakistan. Other important external relations are conducted through the frameworks of ASEAN+3, East Asian Summit, the Asian Development Initiative, the ARF and the Transboundary River Cooperation in the Mekong. Defence cooperation at a broader level has also intensified with the establishment of the ADMM-Plus, which became a forum of dialogue between the Defence Ministers of ASEAN, and the Defence Ministers of Australia, the People Republic of China, the Republic of India, Japan, the Republic of Korea, New Zealand, the Russian Federation and the United States. The first ADMM-Plus was held in Hanoi on October 2010 and led to a Joint

96. ASEAN Secretariat, *ASEAN Vision,* Kuala Lumpur, 15th December 1997. Available at ASEAN website: http://www.aseansec.org/1814.htm

Declaration affirming the commitment to enhance peace and stability at a regional level, promote the ADMM-Plus as a useful platform of cooperation to enhance trust and confidence, strengthen defence and security cooperation through practical cooperation and coordination and to establish the ASEAN Defence Senior Officials' meeting -Plus (ADSOM Plus).

FIGURE 2.5. ASEAN COMMUNITY SNAPSHOT



2.4.1. Building security and the challenge of the Southeast Asian cultural divide

Having detailed the ASEAN approach in the building of a RSP we have attempted to show how the ASEAN way of incremental interactions and frequent meetings produced common institutions, instruments and norms for the co-management of security problems as well as common habits and attitudes to the management of regional security, which became the prominent features of the ASEAN RSP. However, one could also argue that many of the new initiatives undertaken by the Association risk remaining declaratory in nature if ASEAN states do not develop a common understanding of how to deal with security issues and do not successfully implement the new measures outlined in the ASC Blueprint and in the ASEAN Charter. To this regard one of the major obstacles for the further development of the ASEAN RSP is the increasing difficulty of ASEAN members to reach a consensus on a wide set of issues (particularly democracy, good governance, human rights and dispute settlement mechanisms), which represent a limit for the realization of a truly effective ASEAN.

The divide between older and newer ASEAN members is one of the most serious problems. In fact, the political diversity between the five founding members and the new members, especially the socialist Vietnam and Laos and the

still military ruled Myanmar might give rise to political divisions and impede further cooperation in the security field. Remarkably, there is still a strong distance between former Indochinese states Vietnam, Laos, Cambodia and Myanmar that are very attached to a strict interpretation of the principle of non-interference and new emerging democracies, which are more supportative of good governance and civil society engagement.[97] Whether, in fact, former Indochinese states reject institutionalizing bolder security measures, since the end of the Nineties, Thailand and the Philippines, through respectively the former Thai Foreign Minister Pitsuwan and the Malaysian Deputy Prime Minister Ibrahim, called for "flexible engagement" to allow ASEAN members to discuss domestic issues having cross border implications. Equally important, the works for the ASEAN Charter have been marked by differences and faultlines. On one hand, Indonesia pushed for a stronger move towards more proactive ASEAN in the field of conflict management promoting the inclusion of sanctions for those members who do not comply with ASEAN principles and strongly expressed its concern that ASEAN institutional development may be constrained by its "illiberal members".[98] On the other hand, the efforts to institutionalize an ASEAN "*minus X mechanism*" provoked the reaction of newer members who feared being marginalized.

A final aspect that has to be considered is the different forms and characteristics of strategic cultures in Southeast Asia given the mix of large and small states with varying geostrategic circumstances, historical experiences, cultures and civilization traditions.[99] These cleavages are mostly manifested in the diverse security perceptions of maritime and mainland Southeast Asia. Singapore's sense of vulnerability led its leaders to define regional security in more inclusive terms of balance of power. Malaysia, on one hand, championed a policy of neutrality in Southeast Asia, on the other, its traditional preoccupation with internal security

97 Nicholas Thomas, "Understanding regional governance in Asia", in Nicholas Tomas *Governance and Regionalism in Asia.* New York: Routeldge, 2009, p. 18.
98. Personal interview with Pek Koon Heng, Director of the ASEAN Studies Center, American University, School of International Service, Washington DC, May 27th 2010.
99. Chin Kin Wah, "Reflections on the Shaping of Strategic Cultures in Southeast Asia", in Derek de Cunha, *Southeast Asian Perspectives on Security*. Singapore: Institute of Southeast Asian Studies, 2000. See also Donald Emmerson, et al., "Critical Terms, Security Democracy and Regionalism in Southeast Asia", cited.

and stability pushed the country to an inward-directed strategic culture and to pursue a land-based defence strategy.[100] Finally, Indonesia's notion of regional resilience is seen as the sum of the national resilience of ASEAN members that have to secure the region through their common efforts rather than with the help of outside powers.[101] On the other side of the spectrum, the strategic cultures of Vietnam and Thailand have been traditionally defined by the concern of land-ward threats from Indochinese states, which emphasized the utility of obtaining security through a balance of power relationship. In the case of Vietnam geostrategic circumstances have particularly resulted from the complex relationship with China.[102] Thailand, conversely, was mainly concerned with the distribution of power so that, on one hand, strengthened ties with the United States and Japan, on the other, didn't abdicate developing relations with former Indochinese states.

ASEAN tried to bridge these security cultures through a development of a security discourse that tried to de-emphasize the threat or use of force in intra-mural relations and the respect for national sovereignty. This way has served its members well, however, the new security challenges, which emerged in the last two decades, are increasingly requesting to move beyond the principles rooted in the ASEAN way to enhance new operational capabilities to address problems more effectively. But, in contrast to the loose mechanisms of the "ASEAN way", the deepening of new institutional mechanisms for managing regional crises has found major obstacles and appears to be affected by the different characteristics of Southeast Asian strategic and political cultures, which are split over the relations with external powers, the mechanisms to deal with domestic situations and the ways to assure the compliance to the ASEAN norms.

100. ibidem.
101. ibidem.
102. ibidem.

FIGURE 2.6. THE ASEAN REGIONAL SECURITY PARTNERSHIP

Source: adapted from Fulvio Attinà, *Regional security partnership: the concept, the model, practise and a preliminary comparative scheme,* cited.

Pre-conditions	• awareness of the countries of the region for interdependence and the local effects of global problems	*High* *Since the adoption of the Bangkok Declaration in 1967*
	• relaxed or no power competition	*This condition is met just after the end of the Cold war*
Conditions	• consensus of the governments of the region on building security cooperation by reducing violence in international relations, improving international and domestic stability, and promoting peace and economic growth, no system of opposite military alliances.	*High* *Since the adoption of the Treaty of Amity and Cooperation in 1976* *It is improved with the creation of the ASC*
Structures and means	• Written fundamental agreements, operative agreements, multilateral offices and international organizations	*Yes*
	• a set of international and internal measures and mechanisms of conflict management and prevention	*Yes*
	• involvement of extra-regional powers (very probable).	*Yes in various fora*

Consequences	• reduction of security culture difference	*Yes*
	• increase of defence denationalization	*Uncertain*
	• development of security community	*Probable*

2.5. An analytical framework to assess the ASEAN RSP performance on regional peace and stability

Contrary to pessimistic assessments made by realist scholars, in the course of the last forty years ASEAN has been pivotal in encouraging frameworks of CS in the Southeast Asian region even if the Association was not purely born as a security actor. As a result, as highlighted by the Vietnamese Prime Minister Nguyen Tan Dung ASEAN is today recognized as "*the top important element in maintaining peace, security cooperation, mutual understanding and trust.*"[103] If ASEAN members opted for a RSP system founded on the principles of the "ASEAN way" to increase regional peace and stability, it should, however, better discussed *how* does the construction of the ASEAN partnership has helped the creation of a more peaceful regional environment. The effectiveness of RSP projects can, in fact, be variable depending on their institutional structure as well as on the instruments and mechanisms identified to target sources of threats.

To this regard it is worth mentioning a paper published in 2005 by Attinà, which by putting in comparison five cases of RSP - the Euromediterranean region, in East Asia (ARF), in Central Asia (Shanghai Cooperation Organization) in Africa (namely the Peace and Security Council of the African Union) and in the EU Neighbouring area- reveals their important differences and dissimilarities.[104] Particularly, the work highlights that regions are not on the same foot regarding the fulfilment of the requisites pre-conditions and conditions to realize mature RSP systems as well as in putting on the ground the instruments and mechanisms to make RSP operative. But above all, variance is shown in terms of the RSPs capability to project regional peace and stability. In this perspective, what should be posed under closer scrutiny is to what extent the RSPs processes are capable of influencing state behaviour. The RSP theory is, however, flawed on this count as it is more devoted to the analysis of the preconditions/conditions pushing states to

103. BBC Monitoring Asia Pacific- Political, "Vietnamese PM stresses the importance of ASEAN in maintaining regional peace", *BBC Monitoring Asia Pacific- Political Supplied by BBC Worldwide Monitoring*, August 8, 2010.
104. Fulvio Attinà, *Regional security partnership: the concept, model, practise and a preliminary comparative scheme*, cited, pp.19-22.

coordinate their relations to achieve peace and security rather than on the security *tasks* that the partnership itself has to fulfil. To overcome this gap, we propose, therefore, to integrate and operazionalize the RSP framework with a more analytic device, able to explain *how* institutions impact on regional security. To this regard the Kirchner and Sperling SG model is very pertinent to peel off the layers of the ASEAN security system.

Similarly to Attinà, the two scholars draw attention to the progressive development of a SG at a European Union level, resulting from the changing nature of the state, the expansion of the security agenda, the presence of new threats and the disappearance of traditional regional security systems. In academic literature, governance has been alternatively conceptualized in many ways. Roseneau describes governance as "*the activities of government and of any actors who resort to command mechanisms to make demands, frame goals, issue directives and pursue policies"*.[105] Governance has also been treated as a generic synonym for the concept of political system. Weiss suggests that "*a concept of governance refers to the complex set of values, norms, processes and institutions by which the society manage its development and resolvers conflicts, formally and informally*".[106] To Kirchner and Sperling, instead, the SG is defined as "*the coordinated management and regulation of issues by multiple and separate authorities…directed towards particular policy outcomes"*.[107]

The Kirchner and Sperling SG model shares, therefore, strong similarities with Attinà's RSP given the idea that in contemporary world politics states need to accommodate their interests by making use of multiple instruments for the management of common problems. Nevertheless, while the RSP offers a theoretical lens to analyse under what conditions and premises states are involved in a process of incremental cooperation to regulate the management of disorder and reduce the likelihood of war, Kirchner and Sperling's effort is not oriented

105. James Roseneau, *Along the Domestic- foreign Frontier: Exploring Governance in a Turbolent World*. Cambridge: Cambridge University Press, 1997, p. 145.
106.Thomas Weiss, "Governance, Good Governance and Global Governance: Conceptual and Actual Challenges", in Rorden Wilkinson, *The Global Governance Reader*. London: Routledge, 2005, p. 70.
107. Mark Webber, Stuart Croft, Jolyon Howorth, Terry Teriff and Elke Krahmann, "The Governance of European Security", *Review of International Studies*, vol. 30, no. 1, 2004, pp. 3-26.

towards framing a theory but at designing what they call a heuristic device, which is largely pre-theoretical and flexible enough to accommodate diverse theoretical frameworks. In so doing, SG is treated as a model, which intends to provide a valuable research method of analysis that offers a functional and instrumental categorization of security policy, which permits a clear investigation on the role of institutions in the security domain.

Particularly, in their work Kirchner and Sperling underscore the tasks that a SG has to perform through the use of both persuasive (economic, political, diplomatic) and coercive instruments (military intervention and internal policing). These instruments taken together are summed in the four functions of *"prevention, protection, assurance, and compellence"*,[108] where preventive engagement implies the need to engage before the unstable situation deteriorate into a military confrontation; protection, refers to the capability to provide internal security; assurance is the exercise of peace building with the aim of disseminating norms and rules to create a community of interests and values; and compellence is linked to the aspiration to acquire military capabilities that would enable the actor to engage in activities of peace making.[109]

FIGURE 2.7. THE SECURITY GOVERNANCE MODEL
Source, Emil Kirchner and James Sperling, *EU Security Governance*, p. 7.

		Instruments	
		Persuasive	*Coercive*
Functions	*Institution Building*	**Prevention**	**Protection**
	Conflict Resolution	**Assurance**	**Compellence**

While in the EU's case international scholarship has increasingly paid attention to its autonomous role in the four security policy areas above mentioned, ASEAN's potential role as a security actor is still constrained by the absence of a

108. Emil Kirchner and James Sperling, *EU Security Governance*. Manchester: Manchester University Press, 2007, p. 7.
109. ibidem.

strong institution and by the lack of enforcement mechanisms. Furthermore, contrary to the EU, ASEAN is not equipped with stable economic and financial assets and civilian and defence capabilities to mitigate the sources of anarchy. The Association is affected by its limited resources, by the refusal of its members to renounce to sovereignty prerogatives and by the attachment to the sacrosanct respect of non-interference, which risks hampering further security institutionalization and action-oriented responses to pressing problems.

Nonetheless, ASEAN diplomatic credentials improved in the course of the Eighties through its role in the settlement of the Cambodian conflict following Vietnam's 1978 occupation. And significantly, since the Nineties, important changes have consolidated the Southeast Asian RSP. As a result even if major powers continue to maintain a key regional role, bilateral arrangements have been gradually supplemented by multilateral initiatives, which led the ASEAN RSP to acquire new functions and responsibilities for maintaining the order of the Southeast Asian region. Against this background it is, therefore, worth paying stronger attention to the new capabilities of the ASEAN security system by narrowing our study through the Kirchner and Sperling SG model. In utilising this approach, it should then be possible to draw linkages between ASEAN and the attainment of regional security. Under the lens of the four functions identified by Kirchner and Sperling the following discussion will be addressed towards testing to what extent the ASEAN RSP has been able to perform these security tasks in order to increase regional peace and security. From the outset it has, however, to be noted that ASEAN never manifested the ambition to create its own military capability so that the "compellence" dimension is not a feature of the ASEAN RSP. Equally, lack of resources prevented the Association from developing autonomous peace building initiatives. The other two SG tasks of "prevention" and "protection" will reveal the potentials and limitations of the ASEAN RSP, particularly the inherent tension between the widening of regionalism and the deepening of institutional functionality, non-interference and sovereignty and the imperative to strengthen regional cooperation and greater capacity to build security and stability in a post Cold War and post Westphalian era.

2.6. Conclusion

This chapter has attempted to highlight that the framework provided by the RSP better locates the incremental building of CS that has taken place in the Southeast Asian region since the formation of ASEAN in 1967. In so doing we have tried to hasher the gaps of the realist and constructivist scholarship in depicting Southeast Asian security dynamics. And alternately we have proposed an institutional sociological approach, centred on the role of ASEAN as the proper locus for the development of bilateral and multilateral encounters. Throughout its history ASEAN has shown that is able to forge cooperation among its members by creating a various set of agreements, instruments of cooperation and multilateral offices.

Remarkably, the end of the Cold war opened a window of opportunity for the Association. The more relaxed power competition caused by the collapse of the Soviet Union and the decreasing presence of the United States gave ASEAN the space to better define the parameters of its own security and consolidate the construction of a RSP. ASEAN responded by instituting a number of agreements and multilateral offices that resulted in the establishment of new regional initiatives to encourage closer regional cooperation and meet the challenges of contemporary world system. Nevertheless, it is also true that the ascendance of new economic and military powers, such as India and China and the emergence of non traditional sources of threats, begun also to challenge ASEAN centrality requiring new capabilities that go beyond the traditional ASEAN informal mechanisms of cooperation and conflict avoidance.

To what extend is the ASEAN RSP capable to address the multifaceted nature of security threats? What is the degree of effectiveness of the ASEAN RSP in managing internal and external sources of insecurity? How can we assess ASEAN as a regional security provider? The SG model presented in the last paragraph of this chapter has been considered as the most appropriate devise to help us to answer to these questions. Thus by concentrating on the SG functions the next chapters seek to draw linkages between ASEAN and the attainment of regional

security as well as the extend to which ASEAN norms have been regionally performed.

CHAPTER 3

ASEAN POLICIES OF PREVENTION: MITIGATING SOURCES OF TENSIONS IN THE SOUTHEAST ASIAN REGION

Institutional efforts of prevention are increasingly becoming viable paths towards sustainable peace. In particular, recent studies acknowledge that regional organizations, due to their inherent attachment to the local reality, the presence of personal and professional contacts, the background knowledge of the territory, experience and some resources, also in terms of personnel, can perform the task of prevention and help to project regional stability better than other actors.

In line with these general premises, this chapter concentrates on ASEAN policies of prevention arguing that the Association impacts on regional cooperation and security creating the proper conditions to turn conflictive behaviour into cooperative outcomes. That is to say, the central hypothesis guiding this chapter is that ASEAN tends to affect regional security in terms of conflict prevention. In this perspective it has been argued that ASEAN has performed two complementary functions: improving economic growth and building regional security through the development of a wide set of principles to better enhance regional security. This implies that at an "external" level ASEAN membership is positively correlated to the reduction of states' propensity to engage in militarized battle death interstate disputes, and that at a domestic level, when domestic conflicts deflagrate it is more likely for ASEAN to achieve a joint position or take a joint action to condition state behaviour in order to reduce the escalation of violence.

In order to explore these dynamics we will proceed as follows*:* after having conceptualized what it is intended for conflict prevention, the rationale and main principles behind ASEAN conflict prevention policies, we will first draw attention to the economic dimension, then the focus will be addressed to ASEAN conflict prevention policies, their recent development, and finally to their impact on inter state and domestic disputes. More specifically, to better discover ASEAN

performance in preserving the territorial integrity of states and containing inter state and domestic disputes, a quantitative analysis on the linkage between ASEAN membership and battle death conflicts will be provided. Then three case studies, concerning three types of military dispute - intra-mural, extra mural and domestic- will be used as test cases to evaluate how ASEAN conflict prevention instruments serve to avoid military escalation. The dispute on the South China Sea is presented as a test case to measure ASEAN effort in preventing inter-state conflicts. Instead, to what regard domestic conflicts where ASEAN performance has proved to be rather weak due to the "sacrosanct" principle of non-interference, the case study on Cambodia will be examined to analyse ASEAN effort to slightly move beyond "non-interference" when domestic tensions turn into severe crises. Lastly, the ongoing intra-mural dispute along the Thailand-Cambodia border is introduced to show the ambiguity of the ASEAN effort between the strengthening of its mechanisms and its internal constraints.

3.1. Defining Prevention

In academic literature, *conflict prevention* remains a elusive concept, which has been, not rarely, used as a catch-all word connoting each activity to reduce the possibility of conflict. A major contribution to the concept has come from the former UN Secretary General Boutrous Ghali, who defined *"preventive diplomacy*" as "*the action to prevent disputes from arising among parties, existing disputes from escalating and to limit the spread of the latter when they occur"*.[110] Accordingly, also other scholars, such as Kirchner and Sperling have defined *conflict prevention* as an ongoing process that helps generate an environment and produce mechanisms that, on one hand, prevent the outbreak of hostilities, on the other, help to solve hostilities through non-violent means. In the opinion of the two scholars, indeed, there is often a fluid continuum between conflict prevention activities, the management of crises and the post conflict activities. More specifically, to the two scholars prevention includes: 1) those policies that prevent

110. United Nations, *An Agenda for Peace 1992. Preventive diplomacy, peace-making and peace-keeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992.

the occurrence of a major conflict; 2) the policy instruments that consist of economic cooperation, financial assistance in the form of trade agreements and associations, the promise of membership, national building efforts and support for internal democratization.[111] In the case of the EU, the UN and the G8 these instruments have largely been employed for decades. To prevent the spread of both intrastate and interstate conflicts, regional strategies to prevention have included special relations with neighbours, international cooperation, trade agreements, development policies, measures to support democracy, the rule of law, the reform of the security system, the promotion of healthy macroeconomic systems, a set of measures to combat transnational activities and mechanisms of surveillance and the creation of dispute settlement bodies.

But, unlike other regional organizations, ASEAN has traditionally been characterized by a preference for loose arrangements and informality rather than treaties and formal agreements, its dependence on personal relations among leaders, ministers and officials rather than on institutions and its reliance on consensus and common interests rather than on binding instruments as vehicles to pursue conflict avoidance, ameliorate trust and improve the status of regional relations.[112] Furthermore, ASEAN budget constraints, impeded the adoption of policies founded on conditionality, particularly economic conditionality and development assistance. Aid assistance programs are barely existent and only in 2005, was the Association able to launch the ASEAN Development Fund to bridge the economic gap among its members. Finally, it has to be noted, that also the new changes entailed in the ASC and in the ASEAN Charter, which are aimed at encouraging ASEAN to become a more-rule based organization are not putting into question ASEAN traditional informal mechanisms of conflict management.

Nevertheless, the absence of EU-like instruments of prevention and the weakness of the Association infrastructure, should not lead neglecting the existence of an ASEAN role in the arena of conflict prevention. Policies of prevention, in fact, cannot simply be confined to activities of conventional

111. Emile Kirchner and James Sperling, *EU Security Governance*, cited. p. 27.
112. Rodolfo Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the former ASEAN Secretary General, Institute of Southeast Asian Studies*. Singapore: Institute of Southeast Asian Studies, 2006, p.11.

intervention. On the contrary, prevention encompasses also those activities aimed at mitigating interstate tensions, managing conflict avoidance and reducing weapons of mass destruction. Accordingly, by bringing the moment for taking action back to a stage when disputes have not already escalated into a war, the task of conflict prevention can be distinguished from other approaches to conflict and the instruments, employed by regional institutions to improve acrimonious relationships (early prevention) as well as to contain a potential deflagration of a dispute into a military confrontation (late prevention), can be better identified.[113] By utilising this approach, it is possible to avoid downplaying the role of those regional institutions, such as ASEAN, that have only a limited capacity in terms of operational prevention, but nonetheless dispose of other instruments to project their influence.[114] For instance, the ASEAN RSP has made strong efforts to reduce violence and enhance stability through the diffusion of supranational regulations (*structural a priori* prevention measures e.g. the ASEAN norms) aimed at addressing the institutional and economic environment and, on some particular occasions, has also put into place some *ad hoc measures* to target specific countries facing conflicts.[115]

Against these considerations, within this study, conflict prevention will be thus defined as the ensemble of actions aimed at avoiding the eruption of social and political disputes into substantial violence giving prominence to the instruments that are adopted before conflicts escalate to a major level.[116] Alternatively, prevention will be also considered as the "*goal to forestall conflict situations and prevent the outbreak of hostilities through policies and instruments to create a social, economic and political environment in which conflicts between states and*

113. Connie Peck cited by Michael Lund, "Conflict Prevention: Theory in Pursuit of Policy and Practise", in Jakob Bercovitch, Viktor Kremenyuk and William Zartman, *The Sage Handbook of Conflict Resolution*. London: Sage Publications: 2009.
114. Michael Lund, *Preventing Violent Conflicts*. Washington DC: US Institute of Peace, 1996.
115. This distinction rests on a chapter published by Michael Lund, "Conflict Prevention: Theory in Pursuit of Policy and Practise", cited, pp. 289-291.
116. This differentiation is based on the KOSIMO database of the Heidelberg Institute of International Conflict Research (HIIK), which distinguishes amongst five levels of intensity of conflicts: latent, manifest, crisis, severe crisis and war.

groups can be solved peacefully".[117] Particularly, in the context of this analysis ASEAN performance as a conflict prevention provider will be focused on the mechanisms employed by the Association to improve regional security and stimulate regional cooperation in terms of institution building, joint actions and development of common norms.

We cannot avoid observing that threats to territorial security and to national independence of the state are only one of the components of the much more multifaceted nature of contemporary sources of insecurity. Increasingly, besides military threats a large number of non-military challenges are triggering the emergence of destabilizing phenomena. Southeast Asia has not escaped from this general trend. On the contrary the complex spectrum of NTS challenges are calling for stronger regional efforts. The new regional involvement to tackle these new sources of insecurity will, however, not be discussed within this chapter. In fact, policies concerning NTS are most strongly related to initiatives aimed at protecting the internal society, and are therefore associated with the capability of the regional institution to play a role as provider of internal security. These mechanisms will be, then, remanded to the analysis on ASEAN emerging role as a provider of the internal security of its members.

3.2. The rationale and the principles behind ASEAN conflict prevention role

Before turning the focus of the analysis to regional mechanisms of conflict prevention, this paragraph will draw attention to ASEAN rationale and core principles behind a greater involvement in this area. The need for ASEAN to take action in the arena of prevention dates back to the institutionalisation of ASEAN in 1967 motivated by the need to assure greater territorial security for the weak Southeast Asian states. The long campaign of Confrontation *"Konfrontasi"* led by Sukarno, the leader of Indonesia, against the new established Federation of Malaysia, suspected of being a vehicle of the British influence in the region, and more in general, of the Western and neo-colonialist imperialism, and the

117. David Carment and Albrecht Schnabel, *Conflict Prevention from Rhetoric to Reality.* Lanham: Lexington Books, 2004, p. 8.

Philippines dispute over the British colony of Sabah were in fact threatening regional stability as well as the economic well being of Southeast Asian nations. It is therefore no surprise that conflicts became pivotal events behind the development of an intense diplomacy among Southeast Asian leaders, capable of creating a new communication network, which became the engine behind the promotion of regional efforts of cooperation functional to mitigate inter-state tensions.[118]

The first outcome of the improvement of the regional climate, was the creation of the Association Southeast Asia (ASA) formed in Bangkok on July 1961 and composed of Thailand, Philippines and Malaysia. ASA's objectives emphasized cooperation in the economic, social, cultural and scientific realm. However, the Association remained low profile and was soon neutralized by its apparent connection with SEATO and by the territorial dispute between the Philippines and Malaysia (at that time known as Malaya). In 1962 ASA was supplanted by another regional project, called Maphilindo, formed to provide a framework for relations between Malaysia, Philippines and Indonesia. Similarly to ASA, Maphilindo was short lived and collapsed under the policy of *Konfrontasi* led by Indonesia. The talks held in Bangkok between Malaysia's Deputy Prime Mister Malik and Thai Foreign Minister Thanat Khoman on the normalisation of Indonesian-Malaysian relations had major success.[119] Through these discussions, in fact, ASEAN came to life in 1967 as the first successful attempt to put aside mutual suspicions and antagonism and to respond to regional concerns through the setting of embryonic mechanisms of regional cooperation.

With the birth of ASEAN, the five founding members shared a new commitment to accelerate economic growth, social progress and cultural development in order to strengthen the foundation of a prosperous regional community. Military considerations were, however, "carefully" excluded from ASEAN agenda, no mention was made of security cooperation, and ASEAN elites, expressively denied the nature of ASEAN as a military organization. Nevertheless, beyond

118. Rodrigo Tavares, *Regional Security: the capacity of international institutions*. London: Routledge, 2010.
119. Ralf Emmers, *Cooperative Security and the Balance of Power in Asean and the ARF*, cited.

rhetorical affirmations, as argued by Indonesia's third Vice President Malik *"whether consciously or unconsciously considerations on national and regional security figured largely in the minds of ASEAN founding fathers"* [120] so that under the rubric of regional peace and stability ASEAN progressively engaged in activities of *prevention*. It was indeed, the same Foreign Minister of Thailand, Thanat, who encouraged *"the replacement of the old concept of security founded on military power and alliance by a new concept based on concerted and coordinated political actions based not so much on formal treaties but on joint undertakings*".[121]

The common glue of the Sixties very much explains the impetus to form ASEAN. Most Southeast Asian states shared, in fact, domestic troubles linked to the new experience of becoming independent, which required the development of new tasks to consolidate state security and face problems caused by the weak socio-political cohesion, ideological polarisation, influence of external powers, interstate and intrastate disputes, regional suspicion and mistrust. Thus, ASEAN primary goal was to carry Southeast Asian states towards stability and to protect the security of the region's regimes by mitigating regional tensions and containing conflicts.

Particularly, three interrelated issues can be seen as having a significant impact in shaping ASEAN rationale in the conflict prevention domain. First, the regional demand of avoiding the return to *Konfrontasi*-like situations, reducing the sense of vulnerability of smaller countries, such as Singapore and Brunei, against their bigger neighbours, and containing existing disputes. To this regard it is worth remembering the complex status of relations between Southeast Asian states. Malaysia and the Philippines suffered from several crises, which severely tested the limits of the Association. In 1968 the execution of two Indonesian marines in Singapore caused wide uproar in Jakarta, while the Singapore - Philippine dispute over the hanging of a Filipina maid, triggered an unexpected outcry in the

120. ibidem.
121. Thanat Khoman, "Asean Conception and Evolution", in K.S. Sandhu; Chandran Jeshurun; Ananda Raja; J.L.H. Tan; and Pushpa Thambipillai, *The ASEAN Reader*. Singapore: Institute of Southeast Asian Studies, 1992.

Philippines to cut relations with Singapore.[122] Additionally long lasting territorial and border disputes have been continuous occasions to feed a sense of mistrust and mutual animosities. The need to cooperate became indispensable to avoid the risk of another confrontation and the potential high costs associated to the settlement of inter-regional conflicts.

Second, ASEAN conflict prevention policy is closely related to the fear that the withdrawal of colonial powers leaving a vacuum would attract outsiders looking for political gains. Cooperation was thus intended to become the proper vehicle to protect the region against big power rivalry and against the potential spread of communist insurgencies. Indeed, the overarching concern that the "domino theory" could become a reality continued to be at the core of ASEAN thinking in the course of the years. This thinking was fuelled by the three Indo-China wars, that crossing the region from the Forties to the Seventies caused great anxiety to the weak post-colonial Southeast Asian states, suspicious of the neighbouring China and of its relationship with ethnic Chinese from whom they feared potential communist insurgencies within the region. In particular, the fear that the region could fall under the competitive balance of power of the Soviet Union and China, sustaining respectively Vietnam and Cambodia, exploded during the Vietnam invasion of Cambodia, in consequence of the pending threat coming from the revolutionary communist governments of Indochina.

The third key rationale behind ASEAN policies was the regional economic downturn caused by the persistence of interstate conflicts. Conflicts, indeed, were severely affecting the economic development and economic growth of Southeast Asia reducing investment flows and the flux of foreign capital. Notably in Indonesia the policy of Confrontation produced high costs in the economic realm, in terms of reduction of investments, loss of the financial support from foreign actors- in particular from the United States, the World Bank and the International Monetary Fund- a strong decline of economic ties and a consequent collapse of

122. Mely Caballero Anthony, "Mechanisms of Dispute Settlement: The ASEAN Experience", *Contemporary Southeast Asia*, vol. 20, no.1, April 1998. pp. 38-66.

trade.[123] The same emphasis that the Association gave to economic growth was functional to assure the security imperative .

Against the backdrop of these events, Southeast Asian states have thus acknowledged the importance of building a framework of mechanisms and policies to prevent territorial disputes from escalating and to create the conditions for greater regional cooperation and stability. Nevertheless it is only after the reduction of the US power in Southeast Asia under President Nixon and the collapse of the communist government in South Vietnam and Cambodia that ASEAN could more effectively push forward its political development.[124] In fact, when international interferences became less salient ASEAN was, finally, able to shape the core of its security thinking and develop a clear set of principles and mechanisms for conflict prevention through the adoption of the TAC and the norms in the field of conflict management, notably known as the "ASEAN way".

This process has however not been without difficulty as the difference amongst ASEAN members in terms of political and governmental systems, levels of economic developments, religious and cultural traditions required a strong effort to find a common ground and understanding towards promoting new mutual acceptable principles of CS. The TAC thus came into existence as a political compromise, which clearly resulted in the choice of a "light institutional framework" of cooperation that, on one side, allowed its members to retain and sometimes also pursue their specific interests, while on the other, framed ASEAN rules for conflict prevention and pacific settlement of disputes. These rules reflect a peculiar "Asian way" of prevention as shown by the clear preference for mechanisms of consultation and consensus, norm building activity, commitment to solidarity and economic cooperation rather than binding and legalistic treaties.[125]

123. Yoram Haftel, “Conflict, regional Cooperation and Foreign Capital: Indonesian Foreign Policy and the Formation of ASEAN”, *Foreign Policy Analysis,* vol. 6, 2010, pp. 87-106.
124. Shaun Narine *Explaining ASEAN Regionalism*. p. 23.
125. Mely Caballero-Anthony, "Mechanisms for Dispute Settlement: The ASEAN Experience", cited.; Mely Caballero-Anthony, "Partnership for Peace in Asia: ASEAN, the ARF and the United Nations", *Contemporary Southeast Asia*, vol. 24, no. 3, 2002, pp. 528-548.

These mechanisms still dominate the "ASEAN way" to prevention and worked alongside other initiatives from the creation of new economic arrangements, to the enlargement of membership to former Indochinese states, to new frameworks of cooperation with dialogue partners and the widening of functional cooperation. Not of less importance, the attempts to bridge the economic gap among ASEAN members by the creation of the ASEAN Development Fund in 2005 is another important way to address deeper social and structural conditions that are generally amongst the principal sources of conflicts and instability. But above all, in the course of the Nineties under the resurgence of domestic disputes linked to ethnic, political, resource and boundary issues in the Southern part of Thailand, the Philippines, Papua, Myanmar and Timor Leste, ASEAN underwent a gradual shift towards new forms of prevention. The critics of the stringent attachment to the principles of sovereignty and non interference, as well as of the other ASEAN mechanisms considered to be inadequate to prevent and effectively respond to internal crises and destabilizing phenomena, led to the adoption of new operative measures, which are becoming the new features of the ASEAN RSP. The Declaration of Bali Concord II, which stated that: "*ASEAN shall explore innovative ways to increase its security and establish modalities for the ASEAN Security Community, which include inter alia, norm setting, conflict prevention...*" offered the new framework that underpin ASEAN prevention policies (art 12. Bali Concord II 2003).[126] Under this framework ASEAN members tried to revitalize institutional dispute settlement mechanisms, such as the High Council. Additionally, the ASEAN Charter called for a greater role of the ASEAN Chair and of the ASEAN Secretary General in the settlement of disputes as parties to the dispute may request these two bodies "*to provide good offices, conciliation or mediation*" (art. 23 ASEAN Charter). To this regard it is also worth noting that the ASEAN Chair acquired a new centrality as it is called "*to actively promote and enhance the interests and well being of ASEAN*" (art 32.a. ASEAN Charter).

126. ASEAN Secretariat, *Declaration of ASEAN Concord II*, Bali, Indonesia, 7 October 2003. Available on ASEAN website http://www.aseansec.org/15159.htm.

Finally a specific program of action in the field of prevention was outlined in the ASEAN Security Blueprint (See Annex 3.1).[127]

127. ASEAN Secretariat, *ASEAN Political Security Community Blueprint*, 14th ASEAN Summit in Cha am/Hua Hin, Thailand, 1 March 2009. Available at : http://www.aseansec.org/22337.pdf.

3.3. The economic and security dimension in the Southeast Asian context

3.3.1. The linkage between the economic and security imperative in ASEAN political discourse

International scholarship has long observed the interaction between economic growth, trade and security. Part of the academic literature demonstrated that vigorous structural measures can help to alleviate the socio-economic sources of conflicts. The democratic peace hypothesis argues that liberal democratic states rarely go to war with one another and the more liberal and democratic a country is, the less likely a war will occur. Recent academic studies have also highlighted the following aspects. First, among nations the greater the interdependence the greater the probability that nations will not seek political demand through conflicts.[128] Second, the expectation to get political gains from economic cooperation helps to dampen political tensions and deter the likelihood of hostilities.[129] In consequence membership in preferential trade agreements tends to inhibit sources of conflicts. Third, economic and security arrangements increase opportunities for communication, establishing personal ties between people and habits of dialogue among nations, which in the long term are able to turn conflictive behaviour into cooperative relations. Finally, economic liberalization is highly correlated with lower levels of poverty and development is correlated with lower levels of conflicts.

Since ASEAN was formed the regional political discourse has been marked by the strong linkage between economic and security imperatives, which led political leaders to favour domestic stability through global access, liberalization and the promotion of models of political economy sensitive to synergies across the domestic, regional and international spheres.[130] The development of a

128. Mark Crescenzi, *Economic Interdependence and Conflict in World Politics*, Lanham: Lexington Books, 2005.
129. Jean Blanchard, Edward Mansfield and Norrin Ripsman, *Power and the Purse, Economic Statecraft, Interdependence, and National Security.* Portland: Frank Cass, 2000.
130. Etel Solingen, *Regional conflict and cooperation: The Case of Southeast Asia.* Columbia University Press, Columbia International Affairs Online (CIAO), 2001.

cooperative, peaceful regional framework was considered, in fact, as the better way to attract foreign capital, financial aid and promote economic development.[131] Moreover, the improvement of economic growth was deemed to be the most appropriate antidote to problems linked to domestic or regional stability and the best way to turn mistrust and rivalries into greater regional cooperation.

Against these considerations, since 1967, ASEAN's leaders emphasized the importance of improving economic growth and trade to achieve regional stability. Already at the Second ASEAN Ministerial Meeting, Mr. S. Rajaratnam, Foreign Minister of the Republic of Singapore, observed that, "*security and integrity of the countries of Southeast Asia are more likely to be jeopardized through economic stagnation and collapse within the region*".[132] And even more explicit were the words of Tun Ismail, Deputy Prime Minister of Malaysia, in his Statement at the Fourth ASEAN Ministerial Meeting: "… *regional cooperation is more than an instrument of economic progress...it is an instrument for the evolution of regional solidarity and enduring stability in the region*.[133] Finally, also in the course of the last two decades the nexus between the two dimensions of trade and security was considered to be crucial. As argued by Lee Kuan Yew, Singapore's President: "*...the most enduring lesson of history is that ambitious growing countries can expand either by grabbing territory, people and resources, or by trading with other countries. The alternative to free trade is not just poverty but war*".[134] Similarly Mohathir Mohamad, former Prime Minister of Malaysia argued: "*...We in ASEAN strongly believed that the strength and stability of a country depends not so much on its armed forces but on our ability to intensify*

131. Yoram Z. Haftel, "Conflict, regional Cooperation and Foreign Capital: Indonesian Foreign Policy and the Formation of ASEAN", cited.
132. ASEAN Secretariat, "Opening Statement by H.E. Mr. S. Rajaratnam Foreign Minister of the Republic of Singapore at the Second AMM, Jakarta, 6 August, 1968", in *Statements by the ASEAN Foreign Ministers at the ASEAN Ministerial Meetings, 1967-1987.* compiled by the Jakarta: ASEAN Secretariat, 1987.
133. ASEAN Secretariat, "Opening Statement by H.E. Tun Ismail Bin Dato Abdul Rahman Deputy Prime Minister of Malaysia at the Fourth AMM, Manila, 12 March, 1971", in *Statements by the ASEAN Foreign Ministers at the ASEAN Ministerial Meetings, 1967-1987.* compiled by the Jakarta: ASEAN Secretariat, 1987.
134. Etel Solingen, *Regional conflict and cooperation: The Case of Southeast Asia*, Columbia University Press, Columbia International Affairs Online (CIAO), 2001.

economic development and provide for a better quality of life for our people...Countries are subjugated through internal upheavals. We in ASEAN are acutely aware of the need to remove the causes of such upheavals. Our economic policies are designed so as to contribute to political stability".[135]

3.3.2. The impact of ASEAN economic reform on growth and regional cooperation

The Bangkok Declaration was the first political document stating economic growth as one of the main objectives of the nascent ASEAN. However, initial preferential trade and investments programs started only in 1976. In the early years of ASEAN foundation, economic growth was mainly the result of unilateral country-based liberalization programs rather than of a regionally driven process and only in the course of the Seventies were superficial measures to reduce intra-regional barriers adopted. These measures have included long-term-quantity contracts, liberalization of non-tariff barriers on a preferential basis, exchange of tariff preferences, preferential terms for financing imports, and preference for ASEAN products.[136] The latter have, nonetheless, been successful. Since the 1970s, in fact, the 5-ASEAN countries have managed to achieve a rate of growth of real GNP between 7% and 12% per annum[137] and even in 1974 and 1975, the years in which industrial countries were hit by a major recession, the performance of ASEAN was remarkably good. [138]

Subsequently, ASEAN states have seen the development of economic cooperation as a tool to enhance ASEAN as a political entity, and have advanced a strategy of renovation of member states' political economies and the promotion

135. Dr. Mahathir Mohamad, Selected Speeches of Dr. Mahathir Mohamad Prime Minister of Malaysia, *Reflections on ASEAN*. Selangor Darul Ehsan: Pelanduk Publications, 2004, p.4 .
136. M. Haidi Soesastro, "Prospect for Pacific-Asian Regional Trade Structures", in Robert Scalapino et al., *Regional Dynamics: Security Political and Economic Issues in the Asia Pacific region*. Jakarta: Center for Strategic and International Studies, 1990, p. 391.
137. Anne Booth, "The Economic Scene: An Overview", in Huynh Kim Kanh, *Southeast Asian Affairs,* 1977, pp. 22-38.
138. ibidem.

of free trade increasingly became a vehicle for enhancing stability and regional cooperation. ASEAN states, thus, experimented preferential trade agreements to allow access to ASEAN markets and embarked into new projects such as the ASEAN Industrial Project and the ASEAN Industrial Joint Venture. It is particularly during the Eighties that political economic reforms started to be linked to regionally oriented projects and proposals aimed at liberalizing intra-ASEAN trade appeared on ASEAN agenda.[139] Then, in December 1990, the ASEAN leaders began to discuss bold and innovative approaches to intra-regional economic cooperation. The result was the decision at the 4th Summit in January 1992 to create an ASEAN Free Trade (AFTA). With the Agreement on the Common Preferential Trading Scheme (CEPT) for AFTA, ASEAN members have lowered intra-regional tariffs to no more than 5% on a wide range of products. Lower barriers to trade, liberalisation and facilitation policies became vehicles of a stronger economic growth, increased investments and improved prospects for production network building and fragmented trade.[140]

This story of success encountered, however, a major setback in 1997, when the financial crisis dramatically hit the region. On this occasion the Association proved its incapability to effectively cope with the crisis and massive domestic imbalances widened the gap between the most developed ASEAN economies and the CMLV. ASEAN harmonious inter state relations were thus severely damaged and the Association had to reconsider itself. Consequently, in the ASEAN Vision 2020 ASEAN Leaders resolved to: 1) maintain regional macroeconomic and financial stability by promoting closer consultations on macroeconomic and financial policies; 2) to continue to liberalize the financial sector and closely cooperate in money and capital markets, tax, insurance and customer markets.[141] In relation to the first aspect, in 1998, the ASEAN Finance Ministers formalized the ASEAN Surveillance Process (ASP) to monitor the macroeconomic and financial developments of member countries and a peer review process. The ASP is meant to be an informal process based on a peer review system that would

139. Michael Plummer, *ASEAN economic integration. Trade Foreign Direct Investment and Finance*. London: World Scientific Publishing, 2009.
140. ibidem.
141 ASEAN Secretariat, *ASEAN Vision 2020*, cited.

complement the regular surveillance by the IMF. Furthermore other initiatives to support these goals have been taken with the adoption of the Chiang Mai Initiative where the ASEAN Plus Three group expressed "*the need to establish a regional financing arrangement to supplement the existing international facilities*", and reached agreement on an expansion of swap facilities among the ASEAN member countries (the ASEAN Swap Arrangement, ASA) and to include bilateral swap arrangements with members of the Plus Three.

Liberalization, instead, was pursued through a twofold strategy. On one hand, through the transformation of AFTA from a free trade area to a single market and production base, on the other, through the strengthening of competiveness with the development of bilateral and pluri-lateral trade agreements, in particular profiting from the economic ties with China. Hence during the Bali Summit of October 2003 the AEC was established *"to create a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services, investment and a freer flow of capital, suitable economic development and reduced poverty and socio-economic disparities in year 2020*" (Bali Concord II 2003). Through this initiative ASEAN leaders attempted to establish a single market and production base capable of making ASEAN a more dynamic and stronger segment of the global supply chain. In January 2007 they reiterated their commitment to accelerate the ASEAN Community by 2015 and to transform ASEAN into a region of free movement of goods, services, investments, capitals and labour and to this aim the ASEAN Economic Blueprint was adopted to serve as a guideline for the establishment of the AEC.

Significantly, economic data reveal that, even if many Southeast Asian countries are still export dependent due to their similar resource inputs and competitive products (mostly high tech and labour intensive products), ASEAN intra-regional trade has increased steadily moving from 19,2% of total ASEAN trade in 1993 to almost 27% in 2008 (figure 3.2.). Equally, intra ASEAN Investment flows, despite remaining quite low, increased from 11,9 % in 1998 to a level of 18,3% in 2008.

FIGURE 3.1 REGIONAL PERFORMANCE FIGURES
INDICATORS FOR SELECTED SOUTHEAST ASIAN COUNTRIES[142]

ASEAN members	Average Annual Growth in % of GDP 1980-1993	Average Annual Growth in % of GDP 1990-1997	Average Annual Growth in % of GDP 1998-2008
Indonesia	5,8	7,5	5,2
Laos	4,8	6,7	n.a.
Malaysia	6,2	8,6	5,1
Philippines	1,4	3,3	5
Singapore	6,9	8,5	4,9
Thailand	8,2	7,4	4,8

FIGURE 3.2. TREND OF ASEAN TRADE
Source: *ASEAN Economic Community Chartbook*, 2009

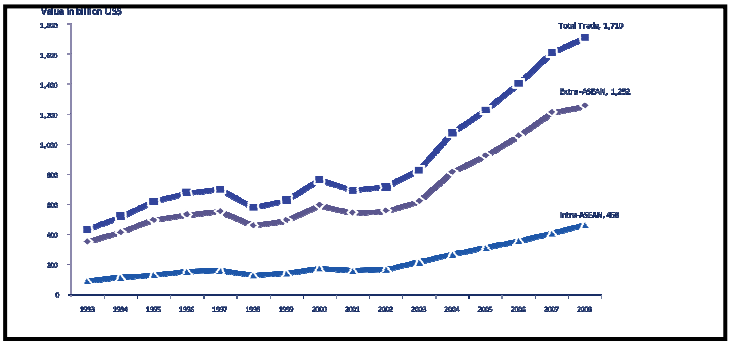
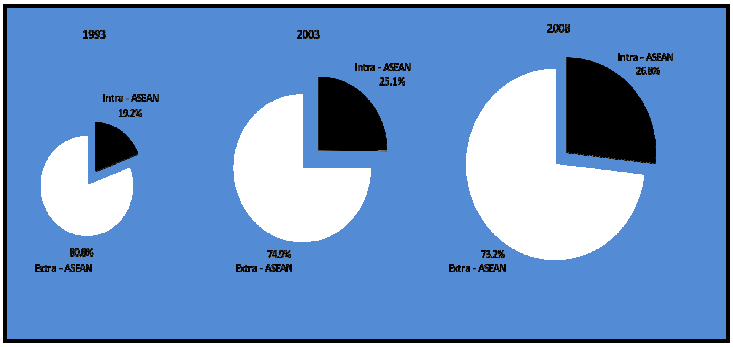
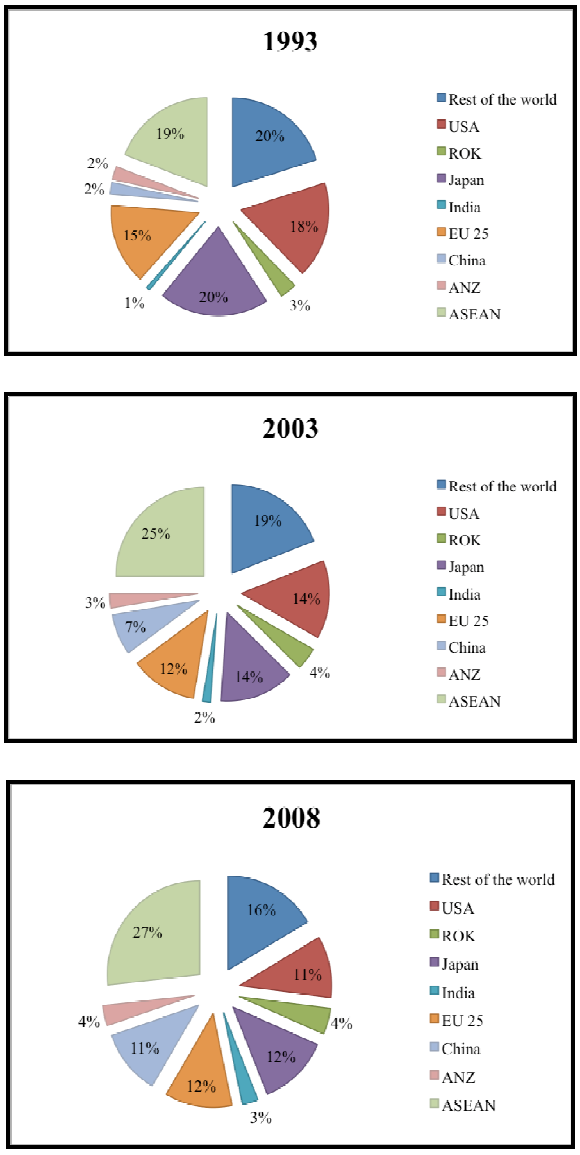


FIGURE 3.3. INTRA AND EXTRA ASEAN TRADE
Source: *ASEAN Trade Database.*



142. Source: *Asia Yearbook,* 1980; *Asia Yearbook*, 1985; *Asia Yearbook*, 1996; *Asia Yearbook*, 2000. For the data covering the period 1998-2008 data have been collected from the *Asia Statistical Yearbook*, 2008.

FIGURE 3.4. ASEAN TRADE WITH MAJOR PARTNERS
Source: *ASEAN Trade Database.*



The success of the ASEAN projects led to gradually incorporate non-traditional areas of economic integration, *inter alia:* investment policies, agreements on property rights, and cooperation in trade and services and industrial and development agreements (including tourism, maritime transport, air transport, telecommunication, construction, business, financial services). Furthermore these growing economic relations created the conditions for a shift from conflictive to cooperative relations, marked by the formation of new institutions and enlargement of areas of cooperation, and the ascendance of a more peaceful and cooperative regional environment. Several factors underpin these considerations.

First, rapidly growing economies could have induced ASEAN leaders to pursue policies on military competition. On the contrary, the patterns of military expenditure of ASEAN members remained far behind GDP growth since the Seventies to decline quite dramatically in the Nineties.[143] Furthermore despite long-lasting territorial disputes there has been neither an arms race nor an offensive build-up threatening neighbouring states.[144] To this regard the relation between Indonesia and Malaysia is particularly significant. These two countries pursued an enduring "Confrontation" characterized by military conflicts and economic sanctions under Sukarno's foreign policy. Instead, since ASEAN's formation a new era of relationship was put into place, which soon served as "*the kingpin paving the way for development of the highly desirable grouping that is ASEAN*".[145]

Second, growing liberalisation has also had a broader regional impact, with regard to ASEAN- China relations. China's trade with ASEAN has increased by an average of 75% per year over the period 1993 to 2001.[146] The percentage of China's exports going to the ASEAN countries rose from 7.0% in 2000 to 7.2% in 2005. China's imports from ASEAN, as a percentage of its total imports, rose from 9.8% in 2000 to 11.4% in 2005.[147] In the framework of these new relations cooperative arrangements between ASEAN and China were set up. It is worth noting the establishment of the Framework Agreement on Comprehensive Economic Cooperation, which provides the establishment of a free trade area by 2010 with ASEAN most industrialized states and by 2015 with Laos, Myanmar and Vietnam. This agreement, implemented on January 1 2010, scrapped tariffs on about 90% of goods between China and ASEAN. Due, at least in part, to this

143. Etel Solingen, *Regional conflict and cooperation: The Case of Southeast Asia*, cited. It has to be noted that from 1998 to 2007 the military expenditure in percentage of the GDP has decreased for all ASEAN countries. In Indonesia it decreased from 2,0% to 1,2% ; in Malaysia it has dropped from 2,4% to 2,1%; in Singapore from 2,8% to 2,1%; in the Philippines from 1,5% to 0,9%; in Cambodia from 1,3% to 1,1%; in Brunei from 6,6% to 3,6%, and in Thailand from 2,8% to 1,1% Source: *SIPRI Military Expenditure Database*. Data are collected in US $ million at constant US price 2005.
144. ibidem.
145. Micheal Antolik, "ASEAN and the Diplomacy of Accomodation", cited. p. 18.
146. Bruce Vaughn and Wayne Morrison, *China-Southeast Asia Relations: Trends, Issues and Implications for the United States*, Washington DC: CRS Report for Congress, April 2006.
147. ibidem.

new China-ASEAN free trade Chinese exports to ASEAN climbed 45% to $ 64,6 billion and imports rose 64% from a year earlier to $ 71,9 billion.[148] As a result, by 2010 ASEAN becomes China's fourth-largest trading partner. In sum, China's growing involvement in multilateralism was considered as a means to dampen China's threat and use regional frameworks as an instrument to defuse tensions. Another notable example of the ASEAN-China cooperative behaviour was then the effort to accomplish a compromise to defuse the flashpoint in the South China Sea, which culminated in signature of the Declaration of the Conduct of the Parties in the South China Sea in 2002.

One can, therefore, conclude that the ASEAN economic rationale was not important *per se,* it was rather considered as a force to increase regional stability. Economic growth was, in fact, functional to prevent conflicts as it enlarged and consolidated the state, improved the level of investment flows, and raised people and standards of living. Beneficial gains among ASEAN members increased "habits of working together" encouraging members to building new institutions, to enlarge areas of cooperation and, consequently, to lessen their tensions thus progressively replacing traditional military alliances by cooperative security. Summing up, "*ASEAN has had a "conflict prevention" impact by being an expression of the collective desire for the stability required for the economic growth*".[149]

3.4. ASEAN conflict prevention mechanisms

3.4.1 Norm setting activity

Under the auspices of ASEAN, Southeast Asian states have built a framework of conflict prevention mechanisms, enshrined in the principles of the ASEAN Treaties and Declarations, which are aimed at addressing the basic institutional, social and policy factors affecting peace and security. Over the years these norms

148. Ernest Bower, *A New Paradigm for APEC*?, CSIS, August 3 2010. Available on http://csis.org/publication/new-paradigm-apec.
149. Elsina Wainwright, *Conflict Prevention in Southeast Asia and the South Pacific,* cited.

have acquired a crucial importance that go beyond their "regulatory effects".[150] They have become tools both to manage interstate interactions and assure the task of conflict prevention through the creation of a common security culture aimed at avoiding intra-mural disputes escalating, to stimulate a peaceful settlement of disputes and their resolution.[151] In fact, in the course of time these norms have served as a kind of guide-post within which groups of states are expected to stay within.[152]

The first cluster of principles agreed at a regional level are contained in the Bangkok Declaration. The Declaration devotes more attention to economic and social cooperation rather than to conflict management. Indeed, the reference to conflict management is general in character and the promotion of regional peace and stability recalls the principles of the United Nations as outlined in Article 2:

"the Association has to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter"

Bangkok Declaration, Bangkok, Thailand, 8 August 1967.

The evolution that followed during the next years, led to the attempt to realize the Zone of Peace, Freedom and Neutrality, which resulted in the Zones of Peace, Freedom and Neutrality Declaration (ZOPFAN), finalized at putting ASEAN outside the balance of power and free from outside interferences. The ambition to release the region from any formal interference by outside powers was, however, delayed indefinitely and failed as a result of the constant disagreement between the ASEAN members.[153] Nonetheless, the development of a common framework

150. Amitav Acharya, "Culture, Security, Multilateralism: The "Asean Way" and Regional Order", in Keith Krause, *Culture and Security, Multilateralism, Arms Control and Security Building.* Frank Cass: London, 1999.
151 ibidem.
152. Michael Lund, "Conflict Prevention: Theory in Pursuit of Policy and Practise", in *The Sage Handbook of Conflict Resolution,* cited.
153. Khong Y Foong., "Micheal Leifer and the Prerequisites of Regional Order in Southeast Asia" in *Order and Security in South East Asia. Essays in Memory of Micheal Leifer*, ed. by Joseph C. Liow and Ralf Emmers, Routledge, 2006, pp. 29-45. Shaun

of security had a major struck of luck in 1976 when two key documents were adopted during the first Summit of the ASEAN Heads of States held in Bali. The first is the Declaration of the ASEAN Concord. The Declaration contains both general principles concerning the goals of the Association and specific goals relating to the management of disputes.[154] In particular, it stresses the main objectives to be pursued by ASEAN members: "*stability in each member state, establishment of the Zones of Peace, Freedom and Neutrality, cooperation in economic social and development, assistance for relief, cooperative action in development programmes, adoption of peaceful processes in the settlement of intraregional disputes and creation of conditions to mutual cooperation*". Furthermore, the Declaration emphasized the principles of "*self-determination, sovereignty and non interference*". The Declaration of the ASEAN Concord was however open only to ASEAN members, while the second document adopted in Bali, the TAC, provides also for access to non-ASEAN members. The TAC is arguably the most prominent instrument that allows for the peaceful settlement of disputes through a clear prescription of specific guidelines in the field of conflict management, as defined in art. 2:

1. *Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;*
2. *The right of every State to lead its national existence free from external interference, subversion or coercion;*
3. *Non-interference in the internal affairs of one another;*
4. *Settlement of differences or disputes by peaceful means;*
5. *Renunciation of the threat or use of force;*
6. *Effective cooperation among themselves.*

Treaty of Amity and Cooperation, Bali, 24 February1976

Narine, "ASEAN and the Management of the Regional Security", *Pacific Affairs*, vol. 78, no. 2, 1998, pp. 195-214.

154. Ramses Amer, *The Asian Peace. What is the role for the Association of Southeast Asian Nations (ASEAN)?*, Paper prepared panel SD19 on Just and Durable Peace, International Studies Association, 49th Annual Convention, San Francisco, 26- 29 March 2008.

The peculiarity of the Treaty is its tacit and passive approach to conflict avoidance.[155] Indeed, the Document does not provide ASEAN with formal mechanisms of "operational prevention" to address immediate crises (e.g. using economic tools such as sanctions) and with forceful measures (such as deploying peacekeeping operations). On the contrary it refers, on one hand, to commitment to solidarity, informality and minimal institutionalization, on the other, to non interference, respect for national sovereignty, peaceful settlement of disputes and cooperation.[156] These principles are more evidently shown in art. 12 that states:

"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 and solidarity will constitute the foundation for a strong and viable community of nations in Southeast Asia"

More specifically, in refraining from interfering in the domestic affairs of other ASEAN members and in committing to respect states' territorial integrity, sovereignty and independence, Southeast Asian states developed a code of conduct centred on friendly negotiations, good faith and peaceful confrontation rooted in the informal mechanisms of consultation and the practise of consensus. In this sense the ASEAN approach to security gives emphasis to the component of "preventive diplomacy" hinged on the promotion of confidence building efforts and on the enhancement of channel of communication among ASEAN members. Article 13, in fact, outlines:

155. Kamarulzaman Askandar, Jacob Bercovitch and Mikio Oishi, "The ASEAN Way of Conflict Management: Old Patterns and New Trends", *Asian Journal of Political Science*, vol. 10, no. 2, 2002, pp. 19-42.
156. Amitav Acharya, *Constructing a Security Community in South East Asia,* cited. Ramses Amer *The Asian Peace. What is the role for the Association of Southeast Asian Nations (ASEAN)?* cited.

"The High Contracting Parties shall have the determination and good faith to prevent disputes from arising, In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony they shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations."

Besides this, the TAC also tried to institutionalize a kind of direct mechanism of prevention through the creation of the High Council (HC). The HC, comprising a Representative at ministerial level from each of the High Contracting Parties, was indeed conceived as an instrument of prevention. In fact, as stated in art. 15: "*...when deemed necessary the HC shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation*". Particularly, through this impartial instrument ASEAN intended to follow closely a dispute or of a situation likely to disturb regional peace and harmony so that in the event in which a dispute cannot be solved by the parties through direct negotiations the HC can recommend to the parties appropriate means to solve it through offices, inquiry, mediation or conciliation. The role of the HC as a mediator is, however, not automatic and is limited by the provision according to which its rules do not apply to the parties unless the parties to the dispute agree.

However, the lack of detailed rules governing the functioning of the HC rendered the latter an empty tool for a long time. Thus it is only after the signature of the *Rules of the Procedure of the High Council of the Treaty of Amity and Cooperation* adopted in Hanoi in 2001, which embodied norms concerning the composition of the HC, the mechanisms for the initiation of the dispute settlement procedure, the convening of the meeting, the proceeding and the rules relating to the decision making process, that the HC could become an operative dispute settlement body. The HC was intended to be used for managing disputes in the case in which bilateral/ multilateral efforts by other parties do not suffice to manage or resolve the dispute.[157] To this regard, it was agreed that a high contracting party seeking to invoke the dispute settlement procedure shall do so

157. ASEAN Secretariat, *Rules of the Procedure of the High Council of the Treaty of Amity and Cooperation in Southeast Asia,* 23 July, 2001, Hanoi. Available on ASEAN website http://www.aseansec.org/3718.htm.

by written communication, through diplomatic channels, to the Chairperson and to the other contracting parties (art. 7) and that on receipt of written confirmations to the parties the Chairperson shall convene the meeting (art. 10). Finally it was stated that all decisions have to be taken by consensus (art. 19). These Rules undoubtedly equipped ASEAN with a institutional mechanism to assure the compliance of ASEAN members to the norms of the Association. But so far this mechanism has never been invoked. As noted by Acharya, in fact ASEAN members' disposition to recur to the judicial arbitration would have requested *"somehow a departure from traditional mechanisms that characterize the Asean way and a detraction from its norm of seeking regional solutions to regional problems*".[158] Its existence, nonetheless, shows ASEAN's enduring commitment towards conflict prevention and peaceful resolution of intra-mural conflict.

3.4.2. ASEAN and "musyawarah": the creation of habits of dialogue as tools of conflict prevention

The centrality of the distinctive style of the ASEAN decision making process, which is at the heart of the ASEAN way to prevention requires some additional considerations. The system of formal and informal meetings mostly conducted at an elite level between ASEAN leaders, ministers and senior officials can be considered as the more vibrant mechanism through which ASEAN managed to build confidence, familiarity and understanding to manage tensions, dealing with the external environment and build its core norms.[159] Since the outset, in fact, a central element to prevent the outbreak of hostilities and stopping existing conflicts from escalating has been the so called *musyawarah* better known as the practise of consultation. The term refers to a particular style of decision-making typical of Javanese village societies where the leader is responsible for the decisions affecting the social life of the people.[160] This practise of arbitration was

158 . Amitav Acharya, *Constructing a Security Community*, cited, p. 156.
159 Timo Kivimäki, *War or Peace in the South China Sea?*. Copenhagen: Nordic Institute of Asian Studies (NIAS), 2002.
160. Amitav Acharya "Culture, Security, Multilateralism: The "Asean Way" and Regional Order", cited. pp 62-67.

also quite common in Malaysia and the Philippines and refers to a process in which the leader of the village guides, controls and dominates the consensus building process. The aim of the *musyawarah* is to achieve the consensus of the community, the so called *mukafat,* which implies "*the search for an amalgamation of the most acceptable views of each and every member*".[161] This practise has been crucially important on several occasions to preserve peaceful relations amongst ASEAN members and achieve the agreement necessary to defuse tensions. This can be witnessed in the Sabah dispute and during the Cambodian conflict where the *musyawarah* has been repeatedly used to find the necessary accordance to achieve common stances.

In the course of the years the growing awareness on the importance of consultation led to the incremental building of regularized practises of consultations. These structures can be seen in numerous meetings that take place under the ASEAN umbrella, including: the ASEAN Summits composed of ASEAN Heads of State and Governments that take the major decisions of the organization, (see figure 3.5.); the Joint Ministerial Meetings (JMM) composed of Foreign and Economic Ministers entitled to coordinate ASEAN agenda; the ASEAN Ministerial Meetings (AMM) composed of ASEAN members Foreign Ministers, which promote foreign and security policy and implement the policies of the organization; the ASEAN Post Ministerial Conference (PMC), which has been a regular feature of the AMM since the system with Dialogue Partners was created, as well as meetings of the ASEAN Senior official Meetings (ASOM), directors general and experts. Finally, the institutional architecture of ASEAN includes the ASEAN Secretariat, which provides advice, initiates action and implements cooperative activities.

161. ibidem.

FIGURE 3.5. THE ASEAN SUMMITS
Source: data collected from the ASEAN website.

First ASEAN Summit, Bali, 23-24 February 1976

Second ASEAN Summit, Kuala Lumpur, 4-5 August 1977

Third ASEAN Summit, Manila, 14-15 December 1987

Fourth ASEAN Summit, Singapore, 27-29 January 1992

Fifth ASEAN Summit, Bangkok, 14-15 December 1995

- First Informal Summit, Jakarta, 30 November 1996

- Second Informal Summit, Kuala Lumpur, 14-16 December 1997

Sixth ASEAN Summit, Ha Noi, 15-16 December 1998

- Third Informal Summit, Manila, 27-28 November 1999

- Fourth Informal Summit, Singapore, 22-25 November 2000

Seventh ASEAN Summit, Bandar Seri Begawan, 5-6 November 2001

Eighth ASEAN Summit, Phnom Penh, 4-5 November 2002

Ninth ASEAN Summit, Bali, 7-8 October 2003

Tenth ASEAN Summit, Vientiane, 29-30 November 2004

Eleventh ASEAN Summit, Kuala Lumpur, 12-14 December 2005

Twelfth ASEAN Summit, Cebu, Philippines, 9-15 January 2007

Thirteenth ASEAN Summit, Singapore, 18-22 November 2007

Fourteenth ASEAN Summit, Cha-am, Thailand, 26 February-1 March 2009

Fifteenth ASEAN Summit, Cha-Am Hua Hin, Thailand, 23-25 October 2009

Sixtien ASEAN Summit, Hanoi, Vietnam, 8-9 April 2010

These meetings provide important venues to encourage "habits of dialogue" and opportunities through which bilateral and multilateral issues of concern can be discussed and eventually addressed. It is, therefore, unsurprising that ASEAN promoted dialogue-driven processes as mechanisms to moderate tensions between major powers and ASEAN states, build confidence and promote good

neighbourliness.[162] Additionally, this practice of consultation is indicative of ASEAN preference for a "light institutional framework" centred on the avoidance of excessive institutionalization and of a bureaucratic structure with decision-making authority.

It should finally be noted that with the construction of the ASC aimed at bringing political and security cooperation *"to a higher plane and ensure that countries in the region live at peace with one another and with the world at large.."* (Declaration of ASEAN Concord II 2003) ASEAN opened a new forum of security dialogues, which started to serve as new conflict prevention tool.[163] Particularly, the new mechanisms that emerged in the last decade such as the ADMM, which guarantees an annual forum of dialogue and discussion on current defence and security issues for the Ministers of Defence of ASEAN, became the new platforms to build mutual trust, confidence, greater understanding of security challenges, transparency and openness. Similarly the ASEAN Law Defence Meeting - aimed at facilitating legal and juridical cooperation among ASEAN members - and the ASEAN Ministerial Meeting on Transnational Crime - entitled to set the place and directions of collaboration on transnational crime and review the work undertaken by ASEAN bodies - are deemed strengthening regional mechanisms for managing regional crises.[164]

The stabilization and institutionalization of these fora can be seen as one of the most significant initiatives advanced by the organization to provide new opportunities of communication to encourage the development of stable relations and replace traditional habits of war with new habits of dialogues. The same ASEAN Security Blueprint, which defines the guidelines to be pursued in order to achieve the ASC, highlights as specific actions to be undertaken in the arena of conflict prevention the importance of organizing regional exchanges among ASEAN Defence and military officials and holding consultations and encouraging

162. Alice Ba, "Regional Security in East Asia: ASEAN's value added and limitations", *Journal of Current Southeast Asian Affairs*, vol. 29, no. 3, 2010, pp. 115-130.
163. ASEAN Secretariat, *Declaration of ASEAN Concord II*, cited.
164. ASEAN structure and forums of dialogues are changing under the ratification of the ASEAN Charter that set a new ASEAN structure which include: a Coordinating Council comprehending ASEAN Foreign Ministers, Country Councils with relevant sectorial ministerial bodies, the AMM, the Committee of Permanent Representative and the ASEAN Human Rights Body.

cooperation between ASEAN and external partners as essential actions to strengthen confidence building and greater transparency. Importantly, these practises of consultation have been successfully extended also to non ASEAN member states through mechanisms such as the ADMM Plus. In fact, the preference for informality and dialogue driven approaches rendered the participation to multilateral institutions more acceptable to different actors.[165] In so doing, ASEAN was thus able to overcome the suspicions of its Northeast Asian neighbours and to engage China, Japan and North Korea in cooperative frameworks and regular opportunities of dialogue such as the ASEAN + 3 and the ARF. A clear evidence of this trend is that ASEAN + 3 structures have penetrated ASEAN and importantly AMM now has a parallel ASEAN + 3 format.

165. Alice Ba (2010), *Regional Security in East Asia: ASEAN's value added and limitations*, cited.

3.4.3. The development of ASEAN conflict prevention/ management policies

New initiatives in the arena of conflict prevention and to encourage regional cooperation appear with the change of the international security environment and the development of the democratization process in the ASEAN 5 countries (Indonesia, Malaysia, Philippines, Singapore and Thailand). In this new context the "ASEAN way" to conflict prevention and management is marked, on one hand, by ASEAN effort to promote the adoption of a new set of standards and principles, on the other, on the willingness to move to a higher level of institutional formality. In relation to the first aspect ASEAN not only continued to commit to general principles aimed at rejecting the use of force, but its members, besides supporting global non-proliferation treaties, such as the Non Proliferation Treaty (NPT) and the Comprehensive Test Ban Treaty (CTBT), actively pursued regional non-proliferation mechanisms. The most noteworthy effort in this direction is the Southeast Asian Nuclear Weapon Free Zone Treaty (SEANWFZT) of December 1995, which came into force in 1997. In this Treaty regional states assure that they will not "*develop, manufacture or otherwise acquire, possess or have control over nuclear weapons, station or transport nuclear weapons by any means or test or use nuclear weapons in the region*".[166] They also committed not to allow any of those things except for the matter of transport in order to prevent the introduction and the use of nuclear weapons in the region. To this aim ASEAN states also attempted to negotiate the access to the protocol to France, Russia, United Kingdom and United States.

The other significant normative development of ASEAN conflict prevention and management policies result from the Declaration of the ASEAN Concord II, (Bali 2003), which led to the creation of the ASC that underpins a perceptible shift of ASEAN norms. Indeed, under this framework even if traditional principles, declarations and treaties are recalled, ASEAN notion of security enlarges to include non-traditional sources of threats, and an outward looking dimension

166. ASEAN Secretariat, *Treaty on the Southeast Asian Nuclear Weapon-Free Zone*, Bangkok, Thailand, 15 December 1995. Available on ASEAN website at http://www.aseansec.org/2082.htm.

ragarding ASEAN friends and dialogue partners (point 9).[167] Of no less importance new ASEAN modalities in the arena of norm setting and conflict prevention (but also conflict resolution, and the new dimension of post-conflict peace building) are included. To this aim, in 2004, ASEAN adopted the ASC Plan of Action, [168] which outlines concrete steps for the establishment of the ASC and sets forth clear aims in the field of conflict prevention highlighting, on one hand, that the TAC should continue to govern relations between states and be the diplomatic instrument for the promotion of peace, security and stability in the region, on the other, the importance of strengthening confidence and trust within the Community, mitigate tensions and prevent disputes from arising between or among member countries as well as between member countries of non-ASEAN countries, and prevent the escalation of existing disputes. To achieve these goals ASEAN member countries shall enhance security cooperation, confidence building measures, preventive diplomacy, and have to resolve outstanding regional issues as well as enhance cooperation on NTS issues. Consistent with the ASC Plan of Action, the Vientiane Action Programme 2004-2010 has pursued five strategies to conflict prevention. In 2009 these were integrated with the adoption of the ASEAN Security Blueprint, (see ANNEX 3.1.) that embrace new proposals such as organizing and conducting regional military exchanges, the creation of an Expert Advisory Committee attached to the High Council to provide advice on dispute settlement, the establishment of an ASEAN Institute for Peace and Reconciliation.

In addition to these mechanisms, the signature of the ASEAN Charter in November 2007 sets the region on a more ambitious path as for the first time the principles of democracy, good governance and rule of law, promotion of human rights and fundamental freedoms are brought into ASEAN.[169] The institutional architecture of Association views the entry of the ASEAN Human Right Body *"for the promotion and protection of human rights and fundamental freedoms*". The fact that before the ASEAN Charter no reference was made to similar

167. ASEAN Secretariat, *Declaration of the ASEAN Concord II*, cited.
168. ASEAN Secretariat, *ASEAN Security Community Plan of Action*. Available at ASEAN website:http://www.aseansec.org/16826.htm.
169. ASEAN Secretariat, *The ASEAN Charter*, Jakarta, 2007. Available on ASEAN website http://www.aseansec.org/publications/ASEAN-Charter.pdf.

normative standards nor did a mechanism exist to monitor human rights violations and provide a common platform where ASEAN members could articulate their human-rights-related concerns, suggest that ASEAN is now moving towards a new normative regime that aspires to influence more directly the behaviour of categories of countries thus bringing, as noted by Mely Caballero, the ASEAN notion of security to a more inclusive, participatory and people-centred character. In other words, by setting the objectives of enhancing democracy, good governance, the rule of law, preserving the region free from all weapons of mass destruction, reducing gross regional disparities and enhancing the well-being of people the institution is progressively willing to address structural targets and formulating policies that can create constraints and opportunities that shape what the actors do.

Equally important, the ASEAN Charter revitalized the role of dispute settlement mechanisms, to address more directly the behaviour of those members affecting conflict and security. Hence with the new rules introduced by the document, while so far members' commitments have been carried out through persuasion and bargaining now the cases of serious breach of the Charter or non-compliance should be referred to the ASEAN Summit (art. 20). Therefore, even if in terms of conflict management the Charter mainly reaffirms the principles of the ASEAN way and the role of ASEAN to provide good offices, conciliation or mediation (art. 23), new rules provide for the strengthening of dispute settlement mechanisms. When a dispute remains unresolved under the HC it shall be referred to the ASEAN Summit for decision (art. 26) and the Secretary General may monitor the compliance with recommendations or a decision resulting from an ASEAN dispute settlement mechanisms and submit a report to the ASEAN Summit (art 26). In addition any member affected by non-compliance can refer to the ASEAN Summit. In so doing, the document attempts to move the conflict management system from a stronger level of flexibility towards a greater level of formality.[170]

Against this new framework ASEAN now has not only a program of monitoring member states' compliance with the blueprints of its three communities, but clear

170. Personal interview with Alice Ba, University of Delaware, 11 June 2010.

mechanisms to einforce it. Whether or not the HC will be activated will depend, however, on the willingness and readiness of member states to bring issues to a regional body. Surely, the capability of the Association to put into practice these mechanisms is a precondition for the maintenance of ASEAN as a fulcrum of regional stability and as a conflict prevention provider. In the absence of these enforcements mechanisms the effectiveness of future ASEAN initiatives may be strongly handicapped.

3.5. ASEAN performance in the arena of conflict prevention

Having detailed the mechanisms behind ASEAN conflict prevention policies, this final part of the chapter evaluates ASEAN performance. That is to say, has the arrangement created by regional states within ASEAN, namely the ASEAN RSP, effectively contributed to regional stability by avoiding the outbreak of battle death military confrontations? Have ASEAN mechanisms succeeded in avoiding the deflagration of existing disputes? How effective have the latter been at an external/internal level? To establish a coherent link between the regional institution and regional security we will proceed in two steps. First, we will attempt to find out whether there is a positive correlation between membership into the organization and a decrease of battle death conflicts of interstate and domestic nature. When looking at the number of battle death conflicts that have taken place between ASEAN members we can thus get useful insights into ASEAN "capability" to preserve the territorial integrity and national sovereignty of Southeast Asian states.

Nonetheless, these data cannot explain either the mechanisms that ASEAN put into place to prevent an escalation of hostilities or the degree to which the Association was able to influence state behaviour and produce cooperative outcomes. Due to this, the last paragraphs of this chapter will integrate the following quantitative analysis with specific case studies aimed at discovering how the Association reacted to issues that are associated with instability and conflict at both an interstate and domestic level.

3.5.1. A quantitative analysis of ASEAN influence on interstate and domestic conflicts in the Southeast Asian region

Methodologically in order to produce evidence of the relation between ASEAN membership and an improvement of regional stability, frequencies on battle death conflicts have been extracted from one of the most prominent set of data on interstate and intrastate conflicts, the PRIO/Uppsala Conflict Database (UCDP) version 4/2009, which covers the period from 1946 to the present.

Conceptually the UCDP defines a conflict as "*a contested incompatibility that concerns government and or territory where the use of armed force between two parties, of which at least one is the government of the state, results in at least 25 battle-related deaths among two or more parties*". To this definition a further distinction concerns: "*extra systemic (type 1) armed conflict that occurs between a state and a non-state group outside its own territory; interstate armed conflicts (type 2) that occur between two or more states; and internal armed conflicts (type 3) that occur between the government of the state and one or more internal opposition group(s).* Additionally, in some cases, internal armed conflicts can be *"internationalized (type 4) if other secondary states intervene into the dispute"* (UCDP/PRIO Codebook version 4-2009).

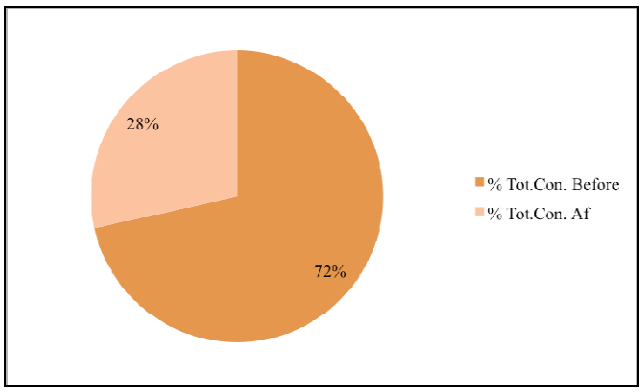
By utilizing the PRIO dataset in the Southeast Asian context, we can thus attempt to trace some important correlations between membership into the organization and an improvement of regional security. To this aim, the first figure 3.6. that puts in comparison the average number of conflict dyads per year for ASEAN countries before and after membership reveals that the total number of battle death conflicts significantly changed after countries entered the organization. We observe, in fact, that after joining ASEAN the average of conflict dyads declined from 1,2 to 0,5 ranging between less than half and more than one-third.

FIGURE 3.6. ASEAN MEMBERSHIP AND BATTLE DEATH CONFLICTS
Source: Timo, Kivimaki, "Power, Interest or Culture- is there a paradigm that explains ASEAN political role best? " cited.

Countries	Average Number of Conflicts per annum before membership	Average Number of Conflicts per annum after joining ASEAN	Difference Before-After
Brunei	0,12	0,00	0,12
Burma/ Myanmar	4,33	1,88	2,46
Cambodia	0,84	0,14	0,70
Indonesia	0,57	0,84	-0,29
Laos	0,53	0,00	0,53
Malaysia	2,18	0,00	2,18
Philippines	1,10	1,87	-0,77
Singapore	0,38	0,00	0,38
Thailand	0,71	0,58	0,14
Vietnam	1,10	0,00	1,10

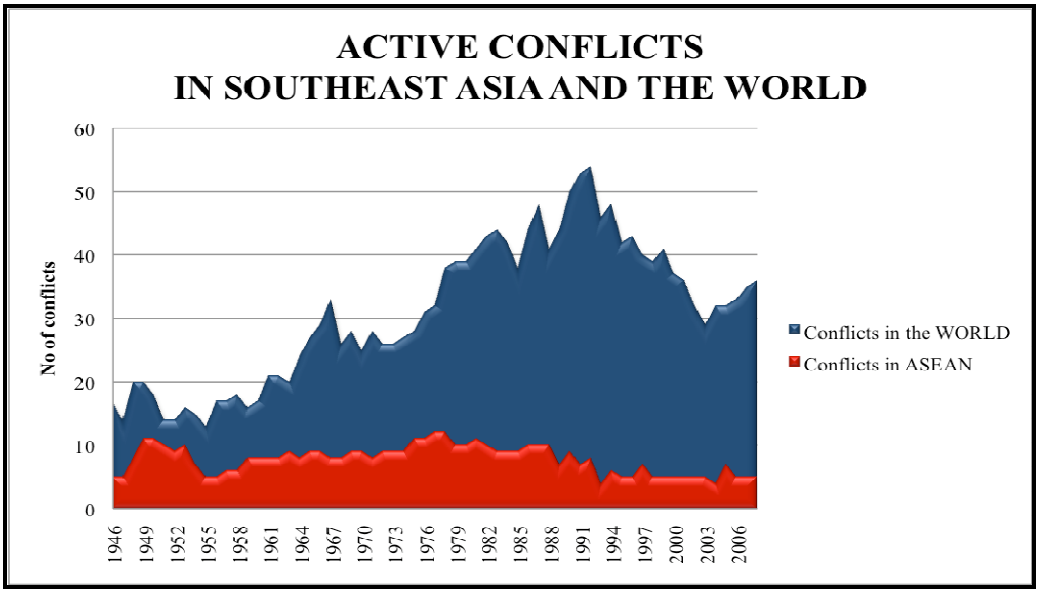
A positive correlation between the establishment of the organization and the creation of a more peaceful regional environment is also shown by figure 3.7., which compares the percentage of the total number of conflicts of the ten ASEAN members before and after membership. Indeed, the data collected from 1946 demonstrate that only 28% of the total number of Southeast Asian battle death conflicts were fought after Southeast Asian countries got ASEAN membership.

FIGURE 3.7. PERCENTAGE OF SOUTHEAST ASIAN CONFLICTS
IN THE SOUTHEAST ASIAN REGION BEFORE AND AFTER MEMBERSHIP
Source: Data have been extracted from the
UCDP/ Armed Conflict Database Version 4-2009



This suggestion is also emphasized by the fact that the process of conflict reduction in the Southeast Asian region is not part of the global trend or of international systemic changes, but is more appropriately linked to dynamics of an internal nature. To this regard, in fact, figure 3.8. clears in that the Southeast Asian trend of conflicts does not coincide with its world counterpart. Indeed, while at a world level the number of conflicts increased constantly before decreasing at the end of the Cold War and rising again in the years of the war on Terror, the Southeast Asia region followed a different path. The Cold War period was the most violent time, while the Mid-Eighties, with the progressive solution of the Cambodian conflict, marked the advent of a more pacific time. This is not surprising given the peace process in Cambodia, the progressive renovation of the former Indochinese states and the change of the security environment, which led in the course of the Nineties to ASEAN enlargement. Also in the course of the last decade, ASEAN countries have not been affected by global dynamics. Indeed, in the years of the war on Terror when the level of world conflicts reached a major peak, the Southeast Asian level of conflicts remained mostly unchanged.

FIGURE 3.8. TREND OF CONFLICTS:
A COMPARISON BETWEEN ASEAN AND THE WORLD
Source: Data have been extracted from the
UCDP/ Armed Conflict Database Version 4-2009.



Furthermore, even if Southeast Asian trend of conflicts is not in tandem with the universalistic trend, it is also true that some systemic factors, such as the collapse of the Soviet Union, the end of the Cold War, and the consequent improvement of relations between major powers, rendered ASEAN enlargement possible and that also against this new background the region acquired a growing level of pacification. Pacification, nonetheless has mostly concerned the variable of militarized domestic interstate disputes. In fact, a closer look at the data from PRIO highlights some important variances between the types of conflicts that have continued to hit the region. To this regard the following figure 3.9., which collects all conflicts data of ASEAN members, distinguishing them by type and then putting in comparison those that have been fought before and after joining ASEAN offers important additional insights. First, not surprisingly, extra-systemic conflicts, which refer to struggles for independence, came to an end by the mid-Fifties for almost all Southeast Asian countries. Second, and more significantly, concerning interstate battle death conflicts, some of the most belligerent countries renounced recurring to any interstate militarized confrontation after they acquired ASEAN status. Notably, in fact, Cambodia, Laos and Vietnam, which had most of their conflicts with future ASEAN members, have been fully pacified after joining ASEAN. Third, for all the ten current ASEAN members, the membership triggered to the utter decline of both interstate and internationalised interstate militarized conflicts. No wonder, therefore, that the most important border disputes, such as the interstate border dispute between China and Vietnam, and Vietnam and Cambodia, date back to two decades ago. Finally and most importantly, while on one hand figure 3.9. highlights the full absence of conflicts between ASEAN members, on the other it displays that domestic conflicts never disappeared from the region. UCDP data demonstrate, in fact, that even after joining ASEAN under the authoritarian political systems of Suharto in Indonesia, Ferdinand Markos in the Philippines and the military power in Burma a large number of domestic conflicts continued to deflagrate.

FIGURE 3.9. SOUTHEAST ASIAN CONFLICTS BY TYPE:
BEFORE AND ADTER ASEAN MEMBERSHIP
Source: Data have been extracted from the
UCDP/ Armed Conflict Database Version 4-2009.

Countries	**Type 1 Extras.**	**Type 2 Interst.**	**Type 3 Intrastate**	**Type 4 Internaz.**	**Total number of conflicts before membership**	**Total number of conflicts after membership**	**Conflicts between ASEAN members**
Brunei	0	1 (1962 against the UK)	0	0	1	0	0
Burma	0	1 (against China in 1969)	242 (1948-2008)	0	220	22	0
Cambodia	8 (from 1956-1953)	6 (against Thailand in 1966,1977,1988 and against Vietnam from 1975-1977)	12 (1967-1970; 1991-1998)	18 (1971-1975 and 1978-1990)	44	0	0
Indonesia	4 (from 1946-1949)	5 (against Malaysia from 1963-1966, and against the Netherlands)	40 (1950-2005)	0	16	33	0
Laos	8 (from 1946-1953)	3 (against Thailand from 1986-1988)	3 (1959-1960)	13 (1960-1973)	27	0	0
Malaysia	10 (from 1948-1957	4 against Indonesia (1963-1966)	7 1963-1966 1974-1975 1981	3	21	3	0
Philippines	0	0	84 (1946-2008)	0	9	75	0
Thailand	0	7 (against France in 1946 Cambodia in 1966;1977; 1978 and against Laos in 1986, 1987, 1988	16 (1951- 2008)	0	3	20	0
Vietnam	9 from 1946-1954	23 (between North-South Vietnam from 1965-1974, against Cambodia from1975-1977, and against China from 1978-1988)	7 (1955 - 1961)	3 (1962-1964)	42	0	0

Against this background we can thus draw the following conclusions.

First, there is a positive correlation between ASEAN and the improvement of regional stability, which is however mostly related to the dimension of interstate militarized battle death conflicts. This correlation is further supported by the fact that alternative explanations resting on the idea that it was the change of the security environment (from the re-established relations between Indonesia and Malaysia in the Sixties, to the peace process in Cambodia in the Nineties) that made possible the creation of ASEAN as well as its enlargement, are not tenable. Indeed, although the creation of friendly and amicable relations amongst ASEAN founding members underpinned the establishment of the Association, reasons of rivalry didn't vanish from the region. On the contrary, many unresolved disputes continued to plague it and some of these are still pending even if they so far haven't escalated into battle death military conflicts. Particularly, a number of interstate disputes concern territorial claims and territorial borders (Singapore-Malaysia; Malaysia- Indonesia; Vietnam- Indonesia; Thailand- Laos; Thailand-Burma; Indonesia -Timor Leste) as well as maritime lines of demarcation for the exploitation of economic zones and the acquisition of fishing rights. As argued by the ASEAN Secretary General Pitsuwan *"unresolved and overlapping maritime and territorial claims remain ASEAN's biggest challenge".*[171] Of no less importance, relations between Southeast Asian countries are still complicated by long-lasting ethnic, cultural and political animosities. Furthermore, mistrust and suspicion within the economic sphere have affected ties between Singapore and Malaysia, Singapore and Indonesia, and Thailand and Cambodia.[172] For example, Malaysia's dismay of the lack of help coming from Singapore in the wake of the Asian financial crisis. Similarly, Singapore was accused by Indonesia of not being a friend in need to help the country to get out of the crisis. Other sources of tensions then derive from the immigrants dispute involving Malaysia, Indonesia and the Philippines.

Through ASEAN, however, disputes amongst ASEAN members have been avoided or contained to a certain level so that as argued by Antholik "*shared*

171. Surin Pitsuwan, "The ASEAN Heart of Asia," *Jakarta Post*, 15 June 2011. p.7.
172. Amitav Acharya, *Constructing a Security Community*, cited, p. 152-155

membership into the organization became comparable to a statement of goodwill or a non aggression treaty".[173] As a consequence, since ASEAN was formed its members have showed an increasing attitude to manage sources of interstate and regional tensions through inter-group dialogue and according to the principles designed by the TAC and then recalled in the subsequent documents and in the ASEAN Charter. For instance, so far peaceful solutions have been found in the dispute between Indonesia and Malaysia over the Pilau Sipadan and Pulau Litigan, referred to the ICJ. Equally Malaysia and Singapore signed a covenant that takes the dispute on the sovereignty rights of the Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge islands to the International Court of Justice. In other cases, such as the dispute in the South China Sea, instead, norm building, the economic factor and the increasing interdependence between regions are also playing a crucial role in preventing the escalation of the dispute.

A second conclusion we can draw concerns instead domestic conflicts that, contrary to battle death militarized interstate disputes have not undergone significant change. This may be explained with the peculiar *modus operandi* based on consensus, sovereignty and non-interference of the Association, which has strongly limited any form of interference in domestic situations. It is no surprise, therefore, that this normative framework didn't help ASEAN to restrain domestic sources of insecurity with the consequence that Southeast Asia is still plagued by internal wars and separatist movements. For example, Burma is still considered as a nation at the crossroads and the November 2010 election does not seem to have provided the country with an escape from the authoritarian rule. Indonesia is more prosperous and stable than in the past and has proved to be able to control most of its conflicts, but there is still the need for more political engagement with Papua. The Philippines, for its part, has to face a large number of multiple conflicts, particularly the conflict in Mindanau that, due to its low intensity character and client politics, is not easy to eradicate. Finally, Thailand is challenged by ethno-religious insurgencies of the South.

Nowadays, the spillover effects of these conflicts produce gross imbalances to the state structure and also to neighbouring countries. Indeed, domestic separatist

173. Michael Antolik, *ASEAN and the Diplomacy of Accomodation*, cited.

movements have often cross border security implications and undermine interstate relations. In this context ASEAN has been progressively called upon to move beyond its principle of non-interference. Therefore, as will be discussed in the case study on Cambodia, on the ASEAN agenda domestic concerns are progressively appearing, whereas previously they have been excluded due to the "sacrosanct" principle of non-interference as goals to avoid negative spillover effects to neighbouring countries and to guarantee the stability of the Southeast Asia region.

To sum up, the quantitative analysis on ASEAN conflict gives evidence that ASEAN performance in the arena of conflict prevention has not been marked by the absence of conflict *per se*. Nevertheless it appears that ASEAN members have been less prone to engage into interstate militarized battle death conflicts, and more disposed to search for peaceful solutions through the use of the instruments of prevention. In this perspective, ASEAN principles and standards of cooperation have contributed to building an environment favourable to cooperation of mitigating sources of tensions through the development of instruments and tools for the co-management of security problems and for the promotion of regional stability.

3.5.2 Prevention and Interstate Conflicts. A special focus over the dispute on the South China Sea

The territorial dispute in the South China Sea is often described as a major flashpoint. The issue arises from the overlapping territorial claims of China, Vietnam, Taiwan, Malaysia, the Philippines and Brunei. The area is rich in fisheries, oil and gas and natural reserves, and even more important, it is crucial for navigation and the flow of commerce as the multiple sea lines crossing the South China Sea link the Indian and Pacific Ocean. The dispute became particularly serious since none of the claimants has made any concession over sovereignty rights and, with the exception of Brunei, the disputants have stationed troops and have modernized their military forces strengthening their claims all

around the South China Sea[174] Since the Nineties the issue has entered the ASEAN agenda. This was also possible due to the normalization of the diplomatic relations between Jakarta and Beijing as well as due to the increasing economic ties accompanied by visits, trade missions and bilateral consultations between China and Singapore. The first attempt to discuss the Spartly's was made by Indonesia, which in January 1990 sponsored the *Workshop on Managing Potential Conflicts in the South China Sea*, intended to involve China to discuss, with the other claimants, the various aspects of the issue. Then, a second workshop, held in Bandung 1991, saw the participation of the five ASEAN states and the unofficial attendance of China.

With the re-establishment of diplomatic relations between China and Singapore and China and Brunei, inter-regional dialogue increased and ASEAN became the centre of new multilateral negotiations over the South China Sea. At the 24th AMM held in Kuala Lumpur China was invited as a guest and, one year later, at the 25th AMM Mr Qian Qichen, Minister of Foreign Affairs of the People's Republic of China was invited to Manila. It was on this occasion that the President of the Republic of the Philippines, Ramos, underlined the need for an urgent solution to the rival claims in the South China Sea and for a greater role of the United Nations in conflict resolution. In 1992 ASEAN led its first attempt to push forward a peaceful agreement of the dispute and to avoid an escalation of the confrontation issuing the ASEAN Declaration on the South China Sea. The Manila Declaration emphasizes "*the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force…urging all parties concerned to exercise restraint…and commending to apply the principles contained in the Treaty of Amity and Cooperation in Southeast Asia as the basis for establishing a code of international conduct over the South China Sea*".[175] China did not subscribe the Declaration, although, the Chinese Vice Premier and Foreign Minister Qian Qichen, while speaking before the Foreign Correspondents Association in

174. Lee To, "Seeking to Resolve the Spartly's Dispute", *Business Times*, Singapore, August 28 1993.
175. ASEAN Secretariat, *ASEAN Declaration on the South China Sea*, Manila, 22 July 1992. Available on ASEAN website http://www.aseansec.org/1196.htm.

Singapore on July 1993 said: "*Territorial disputes, border disputes as well as other disputes between Asian countries should be settled peacefully through negotiations in accordance with relevant international conventions without resort to force or threat to force.*" [176]

The apparent development of regional cooperation was worsened by the occupation, by China, of the Mischief Reef in 1995. The reaction was the ASEAN Foreign Ministers Joint Communiqué, which stressed the idea of concluding a regional code of conduct (COC) in the South China Sea to lay the foundation for long-term stability in the area and to foster understanding among claimant countries.[177] As a result, one year later ASEAN and China signed a Joint Statement known as the "ASEAN-China cooperation towards the 21st Century" where the parties agreed to solve the dispute through friendly negotiations and consultations in accordance with the principles of international law and the 1982 Convention of the Law of the Sea. In 2002 a strategically vital move is the Declaration of the Conduct of the Parties (DOC), which is the first political document jointly issued by the People Republic of China and ASEAN. The Declaration represents the agreement of the parties towards a peaceful solution of the dispute. More specifically the parties commit to:

- *the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law;*

- *exploring ways for building trust and confidence in accordance with the above-mentioned principles and on the basis of equality and mutual respect;*

176. Qia, Qichen, Speech by Vice Premier and Foreign Minister Qian Qichen at the Foreign Correspondents' Association, Singapore "China Ready to Take Part in Asian Security Dialogues," excerpts, July 24, 1993, *Beijing Review,* August 9-15, 1993.
177. ASEAN Secretariat, *Joint Communiqué of the 29th AMM*, 20-21 July 1996. Available on the website http://www.aseansec.org/1824.htm.

- *the freedom of navigation in and overflight above the South China Sea as provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;*

- *resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;*

- *exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.*

Declaration of the Conduct of the Parties, Phnom Penh, 2002

The parties also agreed to undertake efforts to enhance confidence building measures and cooperative activities. As a result, in the following years tensions appeared to lessening. And, for instance, in 2005 the national oil companies of China, Philippines and Vietnam agreed to undertake joint seismic surveys to determine the existence of hydrocarbour resources in the disputes area.[178] Furthermore to consolidate the effort made by ASEAN and the PRC the "Terms of reference of the ASEAN-China Joint Working Group (JWG) on the South China Sea" was adopted at a meeting of Senior Officials from ASEAN and the PRC in 2004. The ASEAN-China JWG was tasked to formulate recommendations: on guidelines and action plans for the implementation of the DOC; specific cooperative activities in the South China Sea (including marine environmental protection, marine scientific research, safety of navigation and communication at sea, search and rescue and combating transnational crime); a

178. Robert Beckam, "Territorial Disputes in the South China Sea. A new Model of Cooperation", *The Straits Times*, June 4 2007.

register of experts who may provide technical inputs to the ASEAN-China JWG; and the convening of workshops. Also the 4th ASEAN-China JWG on the implementation of the DOC in April 2010 in Hanoi stressed the continuous efforts to find a peaceful solution to the issue. Moreover, in the framework of the ASEAN-China Strategic Partnership for Peace and Prosperity, established in 2003, a new Plan of Action for the period 2011-2015 was launched, which highlighted the need to effectively implement the DOC, in order to turn, as stated by the Chinese Foreign Minister Yang Yiechi, the South China Sea into a sea of cooperation and friendship.[179]

Nevertheless, despite these efforts all of the disputant parties have continued and in certain cases accelerated the construction of civilian and military infrastructure in the Spartly's. Additionally, even if all parties continued to support the DOC, ASEAN and China have not yet implemented the measures contained in the Declaration. On the contrary, frequent incidents in the area have given rise to the fear on an escalation of the dispute. In July 2011, senior officials from China and the ASEAN countries agreed on guidelines for implementing the DOC,[180] and the guidelines were approved by the foreign ministers of the relevant countries. However, China seems to be reluctant to adopt a legally binding agreement. The issue is further complicated by the lack of a unified stance against China. Some Southeast Asian states, in fact, do not want to compromise the improved relations with their neighbour. This is not a surprise given that, since the ASEAN-China Free Trade, China has became ASEAN's biggest trading partner, and ASEAN is China's fourth's largest source of trade. Consequently, the fact that the dispute is still ongoing shows the weakness of ASEAN traditional instruments to tackle rising tensions. If on the one hand, in fact, the increasing dialogue between China and ASEAN clearly shows how the Association has become an important agent to deal with the PRC, its current measures to manage and mitigate tensions have failed to promote long-lasting solutions to the dispute.

179. The Nation, "ASEAN, China agree on wording over South China Sea disputes", *The Nation*, October 31, 2010.
180. Reuters, “Update 1-China, ASEAN Set “Guidelines” on Sea Row, but No Deal Expected,” *Reuters*, July 20, 2011, http://www.reuters.com/article/2011/07/20/asean-southchinasea-idUSL3E7IK1B620110720.

3.5.3. ASEAN and domestic crises: going beyond non interference in the case of Cambodia?

ASEAN can be considered as a successful experiment in terms of the promotion of intra-mural stability, but doubts still arise as to its effectiveness on dealing with domestic challenges and conflicts. In 2008 the UCDP database counted five active conflicts in Southeast Asia affecting Myanmar, Philippines and Thailand. And in 2010 a violent civil conflict erupted in Thailand *"stepping the country into the unknown*".[181] Most scholars deny a role for ASEAN in domestic conflicts arguing that a strict adherence to the principles of the ASEAN way and to the respect of national sovereignty inhibits any form of external intervention, pressure, and sanctions directed to its member states. Despite dominant theses there is, however, significant evidence that since the Nineties the organization is slightly moving "beyond the ASEAN way" and it is gradually attempting to condition states behaviour when a domestic crisis moves from a latent level into a manifest conflict and into a crisis.

The necessity to go beyond non-interference is the result of diverse dynamics. First, local crises have highlighted the shortcomings of the "Asean way" and have called for a more effective approach to regional cooperation. Second, the widespread condemnation of the international community of some of these local conflicts led ASEAN towards a "reconsideration" of its role. That is to say ASEAN progressively realized that if it wants to achieve greater international recognition it cannot restrictively apply the respect of national sovereignty, especially in those cases in which a situation moves from a latent conflict into a manifest crisis. Then as argued by Thai Foreign Minister, Prachuab, in the course of the Cambodian crisis: "*As ASEAN becomes more open, as growing interdependence means events in one country can send shock waves throughout the region, we need to rethink some of our basic assumptions, ranging from the meaning of development and cooperation to the implications of non intervention...each ASEAN members must be ready for the organization to be*

181. Ernest Bower, *Thailand Steps into the Unknown*, CSIS, May 17th 2010. Available on http://csis.org/publication/thailand-steps-unknown.

more active, assertive and responsible player. We must seek to become an influential player in the maintenance of regional order. "[182]

Particularly, the case of Cambodia is one of the most significative examples of ASEAN's effort to enhance its regional role to foster the creation of a peaceful regional environment, also at a domestic level, even going beyond its core principle of non interference. The situation of Cambodia is certainly complex. After the long-lasting conflict with Vietnam on October 23, 1991 the Paris Conference agreed to sign a comprehensive settlement giving the UN full authority to supervise a cease fire, repatriate the displaced Khmer along the borders with Thailand, disarm and demobilize the factional armies and prepare the country for a free and fair election. Prince Sihanouk and other members of the Supreme National Council of Cambodia returned to Cambodia. The UN Mission, UNAMIC, was deployed to maintain contacts among the factions and begin demining operations to expedite the repatriation of 370,000 Cambodians from Thailand. On March 1992 the UN Transitional Authority in Cambodia, UNTAC, arrived to begin the implementation of the UN Plan. UNTAC became a strong civilian and military peace-keeping force to conduct free and fair elections for a constituent assembly. Over 4 million Cambodians participated in the elections held on May 1993 to draft and approve a new Constitution. The Constitution established a multiparty liberal democracy in the framework of a constitutional monarchy with the former Prince Sihanouk, who became King. Prince Ranariddh and Hun Sen became First and Second Prime Ministers in the Royal Cambodian Government. In 1997 rivalries between the two personalities, both having equal rights to govern, turned into an open and severe crisis. On July 7th, Hun Sen removed prince Ranariddh from power. The prince and some members of the royal house, as well as members of the FUNCINPEC, fled abroad. Cambodia went again into the chaos.

The reaction to the coup arrived immediately from the United Nations. At a meeting of the Security Council held a few days after the coup the President made the following statement: "*The Security Council is gravely concerned at recent*

182. Kulachada Chaipipat "ASEAN to resume role as a mediator in Phon Penh", *Emerging Market Datafile Nation*, July 24, 1997.

developments in Cambodia, including violence, which have the effect of jeopardizing continued progress of the Cambodian peace process, and calls for an immediate end to the fighting…The Security Council reaffirms the need to respect the principles of national unity, territorial integrity and sovereignty of the Kingdom of Cambodia…The Security Council calls upon all parties to respect fully their commitments under the Paris Agreements on Cambodia. It urges them to resolve their differences through peaceful means and political dialogue and in accordance with the spirit of national reconciliation…The Security Council calls upon the parties again to ensure the effective and smooth operation of constitutional institutions…The Security Council condemns all acts of violence and calls on all parties to ensure the safety and security of persons, and to respect the principles and rules of humanitarian law."[183]

Equally, the Cambodian conflict was seen with growing apprehension also by Southeast Asian states. In this context the idea of enhancing regional dialogue to help to resolve the Cambodian crisis peacefully was initially seen as the most appropriate tool to mitigate tensions. Particularly, Indonesia's Foreign Minister, Ali Alatas at his address at the opening of the 30th AMM said "*only through dialogue a comprehensive settlement of the Cambodian conflict can be reached in an effort to restore the Cambodian coalition government set up based on the result of 1993 elections.*"[184]

But with the deterioration of the internal situation ASEAN buttressed its position. Particularly, it called for an immediate cease-fire urging the government to take steps to ensure the safety and the protection of the people, and in an official statement issued by Malaysia Foreign Ministry, the group said that a special meeting to be held by Foreign Ministers would have carefully monitored the Cambodian situation in all its aspects.[185] The failure to achieve a peaceful solution between the two rivals and Cambodia's Prime Minister refusal to let

183. United Nations, *Statement by the President of the Security Council*, 11 July 1997. Available on http://documents.un.org/.
184. BBC Summary of World Broadcasts, "Indonesia's Foreign Minister says only dialogue can solve the Cambodian conflict", *BBC Summary of World Broadcasts*, July 26, 1997.
185. Deutsche Presse Agentur, "ASEAN urges Hun Sen, Ranarridh to resolve differences peacefully", *Deutsche Presse Agentur*, July 8, 1997.

ASEAN mediate for the resolution of the dispute, then pushed ASEAN to a strong reaction to the coup. In fact, in the backdrop of these events the Association, for the first time, used a clear policy of *membership conditionality* to sanction Cambodia behaviour. Membership conditionality is the mechanism through which institutions link admission directly to state behaviour. In other terms, conditionality is the mechanism through which states respond to incentives and sanctions imposed by external actors thereby maximizing their payoff .[186]

On the 21st July 1996 at the 29th ASEAN Ministerial Meeting the foreign Minsters accepted the formal application of Cambodia to become ASEAN member in 1997 and reiterated their determination to assist the country, together with Laos and Myanmar to prepare for membership. But after the coup, on 8 July 1997, the ASEAN Foreign Ministers which met to discuss the situation of Cambodia changed their position and "*while reaffirming the principle of non interference in the internal affairs of other states decided in the light of the unfortunate circumstances which have resulted from the use of force to delay the admission of Cambodia into ASEAN until a later date"*.[187] The delay of Cambodia membership brings the principle of non-interference to a rhetoric political manifesto. The postponement of membership to a later date was, indeed, intended as a political sanction to state behaviour. ASEAN stance is even stronger when considering that Foreign Ministers agree, on the same occasion, that the admission of Myanmar, led by the State Law and Restoration Council, and of Laos will proceed as scheduled.[188]

In addition to membership conditionality ASEAN reaction was also extended to the adoption of measures of *economic conditionality*. In the course of the Nineties, the Cambodian economy depended largely on ASEAN capital flows. Singaporean firms pumped 35 million US$, Malaysia invested more than 20

186. Judith Kelly, "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions", *International Organization,* vol. 58, no. 3, 2004, pp. 425-457.
187. ASEAN Secretariat, *Joint Statement of the Special Meeting of the ASEAN Foreign Ministers on Cambodia*, Kuala Lumpur, 10 July 1997.
188. ibidem.

million US$ and Thailand 47 million US$.[189] After the coup ASEAN capital flows begun to dry up.[190] This picture is even more dramatic when considering that also the IMF and the World Bank together with other bilateral donors cut their country-programmes for Cambodia. Finally ASEAN called for a regional diplomatic effort to push for a peaceful solution of the Cambodian problem.

On 11 August the Philippine Secretary Foreign Ministers who presided the ASEAN Meeting said: *"Our role is to stop this violence and restore stability in Cambodia, as a part of Southeast Asia".*[191] ASEAN, therefore, assembled a Troika comprising Indonesia, Philippines and Thailand Foreign Ministers to mediate between the factions. In particular, Indonesian Foreign Minister Ali Alatas maintained contacts with Ung Huot, while Thai Foreign Minister Prachuab Chaiyasarn with Ranariddh. During mediation encounters ASEAN reminded the parties to adhere to the principles of the Paris Agreement and to hold free and fair elections. At the UN General Assembly it was remarked that membership would have only been granted after free and fair elections. Then, in January 1998, Japan, Cambodia's largest donor advanced the so called Four Pillar peace plan calling for a ceasefire, for Prince Ranariddh to distance himself from the Khmer Rouge and reintegrate his forces into the Royal Cambodian Air Forces, and for him to be tried. On 15 February, the ASEAN troika endorsed the Japanese plan at a consultative meeting of the "Friends of Cambodia", an informal diplomatic group of countries involved in the Paris agreements. The group included Australia, Canada, China, the European Union, Japan, Russia and the United States. Hun Sen immediately and unconditionally accepted the Japanese proposals. Ranariddh initially rejected them, arguing that his alliance with the Khmer Rouge was 'informal' and protesting his innocence of any significant wrong doing, but later accepted the peace plan. Elections were held in 1998. On September 1998 ASEAN issued a Statement extending its felicitation to the Cambodian people for

189. Sorpong Peou, *Intervention and Change in Cambodia. Towards a Democracy?,* Singapore: St Martin Press, Institute of Southeast Asian Studies, 2000, pp. 246-280.
190. ibidem.
191. To Lee, "ASEAN Leaders struggling with the Cambodia Puzzle", *Inter Press Service New York*, 13 August, 1997.

the successful nation wide election and encouraging all parties to resolve their disputes in a spirit of national reconciliation.

FUGURE 3.10 SUMMARY OF EXTERNAL ASSISTANCE
TO CAMBODIA BY SELECTED DONORS
Source: Council for the Development of Cambodia. "Development Cooperation Report (1997/1998), Main Report, June 1998, p. 14.

Major Donors	**1992**	**1993**	**1994**	**1995**	**1996**	**1997**
Bretton Woods Institutions/ WB	0	68	40,009	29,601	40,401	28,115
IMF	0	8,800	21,238	42,290	400	0
Indonesia	0	0	78	550	0	0
Malaysia	197	204	376	0	0	0
Singapore	0	0	150	10	0	0
Thailand	7,598	229	4	147	1,089	2,224
India	1,103	570	113	565	0	0
Japan	66,897	102,025	95,606	117,902	110,000	59,843

3.5.4. Is ASEAN strengthening its capability? The Thailand - Cambodia border dispute

The border conflict between Thailand and Cambodia erupted in 2008 when Phnom Penh managed to get the Temple of Preah Vihear, a Hindu temple, listed as a World Heritage Site despite Thailand's disagreement. The status of the temple was ruled in favour of Cambodia by the ICJ in 1962 but both countries claimed the 4,6 square kilometre adjacent area. The history of Thailand and Cambodia has always been marked by mutual dislike. Suspicion further increased after the appointment of the fugitive Thaksin Shinawatra as economic advisor to the Cambodian government and personal advisor to Cambodian Prime Minister Hun Sen, which led to an escalation of diplomatic tensions and the recalling of each country's ambassadors.[192] Clashes around the temple developed in 2008 a few days after the temple was declared World Heritage Site and since then the dispute has led to several skirmishes between the two neighbouring states. The latest clashes on February 2011 killed at least 3 Thais and 8 Cambodians pushing thousands of people to leave the area.

The deterioration of the situation brought great concern to Southeast Asian countries which led the ASEAN chair, Singapore's Foreign Affairs Minister of Foreign Affair Yeo, to "*urge both sides to exercise utmost restraint and resolve this issue amicably, in the spirit of ASEAN solidarity and good neighbourliness and to declare the hope that the General Border Commission (GBC) between Thailand and Cambodia, and other bilateral talks, will find a way to defuse the situation.*"[193] Greater ASEAN involvement was then displayed by ASEAN Foreign Ministers' disposition in offering facilities to solve the issue.[194] In particular, it was the ASEAN Secretary General Surin Pitsuwan, who declared ASEAN's readiness *"to extend any support if the two sides would like ASEAN to*

192 ASEAN Secretariat, *Statement by ASEAN Chair, Singapore's Minister for Foreign Affairs,* George Yeo, Singapore, 20 July 2008.
193. ibidem.
194. ibidem.

play a role."[195] To get ASEAN to be involved in the dispute was, however, complicated by the fact that, whether Cambodia immediately requested ASEAN for help over the current military confrontation, Thailand refused any external intervention preferring to solve the situation at a bilateral level and rejected the proposal by ASEAN to allow other bloc members to mediate.[196] Against this background, also the proposal to create an ASEAN Contact Group to help support the efforts of Thailand and Cambodia to find a peaceful resolution to the issue [197] was watered down by the general view that the bilateral process should be allowed to continue.

Nevertheless, the events of February 2011, together with the growing recognition of the impact of the conflict on regional affairs pushed Surin to urge the two sides to allow ASEAN to help bring them some form of temporary truce.[198] Indeed, as argued by the latter "*Conflict between Thailand and Cambodia is now beyond the internal affairs of both countries.*"[199] The "*situation has escalated into an open conflict....that will definitely affect our economic development, confidence, in our region and tourism and prospect for foreign investments*".[200] ASEAN's scope was, however, soon constrained by the lack of consent from both Cambodia and Thailand on Indonesia's mediation and by the hesitance towards the adoption of regional mechanisms. Thus, Cambodia preferred to multilateralize the dispute calling for the UN to intervene. Soon after, the UNSC urged a meeting on the border conflict, on which called upon the parties to: 1) establish a "permanent ceasefire", 2) to fully implement it through effective negotiations and 3) to cooperate with the regional grouping in search of a lasting solution.[201]

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195. BBC Monitoring Asia Pacific, "ASEAN Ministers meet to offer mediation on Thailand- Cambodia dispute", *BBC Monitoring Asia Pacific- Political Supplied by BBC Worldwide Monitoring*, July 22, 2008.
196. BBC Monitoring Asia Pacific, "The PM rejects ASEAN mediation dispute with Cambodia", *BBC Monitoring Asia Pacific- Political Supplied by BBC* Worldwide Monitoring, November 15, 2009.
197. ASEAN Secretariat, *Statement by Minister for Foreign Affairs George Yeo*, cited.
198. Pavin Chachavalpongpunt, "Settle temple row with talks, not guns", *The Straits Times*, February 10, 2011.
199. ibidem.
200. ibidem.
201. The Nation, "Cambodia seeks ASEAN help", *The Nation,* February 17, 2011.

Thailand, however, continued to push for bilateral talks. As the Thai Foreign Minister Chavanond Intarakomalyasut said: "*We have a very firm stance about solving this issue through bilateral mechanism and don't want to make the matter more complicated.*[202] Equally, in a Statement from the Thai Ministry of Foreign Affairs on February 16th 2011 the commitment to resolve any pending boundary issues through existing bilateral mechanisms, notably through the Thai - Cambodian Joint Commission on Demarcation for Land Boundaries, was reiterated.

Nevertheless, the UNSC 's decision gave the Association a new impetus during the Informal Meeting of ASEAN Foreign Ministers in Jakarta, in which the parties agreed to allow Indonesia's observers - as ASEAN's chair- to assess the situation after the border clash of February. A few days later Indonesia sent a five-member-team to visit the area and collect information to prepare the mission related to the 30 observers to be sent, on each site of the border temple, and the Terms of Reference (TOR), concerning the mission was sent to the parties.[203] However, Indonesia's good intention to help resolve the dispute faced a considerable constraint, given that both Cambodia and Thailand had taken firm positions on the issue. Thus, Cambodia requested the interpretation of the 1962 judgement regulating the area to ICJ. A judgement followed on the 18th of July 2011, in which it was ruled that both parties should immediately withdraw their military personnel currently present in the provisional demilitarized zone and refrain from any military presence within that zone or any armed activity directed at it. The Court also concluded that Cambodia and Thailand should continue their cooperation within ASEAN, and, in particular, allow observers appointed access to the provisional demilitarized zone.[204] During the 44th ASEAN Foreign Ministers' Meeting, which took place during 19-23 July in Bali, ASEAN Secretary-General Dr Surin Pitsuwan, said the order was appropriate as it was

202. ibidem.
203. The Nation, "Cambodia says it is ready for observers as Thailand dithers", *The Nation*, March 4, 2011; The Nation, "Border conflict could be an opportunity to redefine ASEAN", *The Nation*, March 1, 2011.
204. International Court of Justice, *Request for interpretation for the judgement of 15 July 1962 in the case concerning the temple of Preah Vihear (Cambodia v. Thailand),* no. 2011/22, 18th July 2011.

fairly directed to both nations, and now the country was waiting on how and when to proceed with the assignment of the Indonesia Observer Team to the Cambodian-Thai border.

The evolution of the conflict is a clear reminder of the promise and the limits of ASEAN's capacity in containing interstate military disputes. The new ASEAN mechanisms advanced under these circumstances, notably, the increasing role of the ASEAN Chair, suggest an ASEAN attempt to exert a more assertive role beyond traditional principles of the "ASEAN way". Nevertheless, events also demonstrate the risk that the lack of internal consensus can easily water them down. Additionally, Indonesia's effort to mediate in the Thai-Cambodia border dispute is a challenge to the ASEAN's principles of sovereignty and non interference, which also creates differences within ASEAN. As we have observed it was particularly Thailand that viewed with suspicion a move beyond bilateral conflict solution mechanisms. Nonetheless, according to Pavin the ruling of the ICJ is a victory for Indonesia, because it recognizes more space for Jakarta to play its role as a mediator.[205] Nevertheless, the deepening of ASEAN institutional capacity and the establishing of a regional mechanism that is reliable and respected by both Cambodia and Thailand, as well as by the international community, remains a precondition for ASEAN to exert a more proactive role in the arena of conflict prevention and peace making.

205. Thomas Miller and Vong Sokheng, "Thais calls for talks on troop pull-out", *Phnom Penh Post,* 20 July 2011.

3.6. Conclusion

This chapter has tried to illustrate the extent to which the ASEAN RSP is able to pursue conflict prevention. Part of this examination was aimed at establishing a link between membership into the organization and battle death conflicts, while in the last part of the study three case studies have been conducted to test the influence of ASEAN instruments to prevent the escalation of disputes into wars. As we have seen, ASEAN membership has been positively correlated to an improvement of peace. There is, in fact, a sufficient empirical evidence that ASEAN members have been less prone to engage into battle death conflicts, and more disposed to search for peaceful solutions. Significantly, the process of membership enlargement to former Indochinese states proved to be rather successful in the stabilization of the region if we consider that the accession of Vietnam, Laos, Cambodia and Myanmar to the Bali Treaty posed the premises for a stable and secure environment, through the widening to the whole region of shared rules for the management of existing and future interstate disputes.[206] This has been particularly demonstrated by the case of Vietnam, that since becoming ASEAN member, has proved accommodating and eager to work according to ASEAN's rules.[207] Notably, in fact, all its pending disputes (particularly those in the South China Sea), which risked to utterly compromise regional relations have been contained to a certain level.

Similarly, to the other former Indochinese states the desire of putting to an end to mutual suspicions and mistrust and build an area of peace, security and stability underpinned their gradual rapprochement to ASEAN. Conversely, ASEAN's interest in becoming part of the same community with these states was part of a policy of *constructive engagement* oriented at creating better relations among

206. Ramses Amer, "Regional Integration and Conflict Management. The Case of Vietnam", *Asia- Europe Journal*, vol. 2, 2004, pp. 533-547. See also: Mya Than and Carolyn Gates, *ASEAN enlargement. Impact and Implications*. Singapore: Institute of Southeast Asian Studies, 2001.
207. Sheldon Simon, "ASEAN and Multilateralism: the Long Bumpy Road to Community", *Contemporary Southeast Asia*, vol. 30, no, 2, 2008, p. 264.

countries through the expansion of political and economic cooperation and the respect for common rules.

Nevertheless, as we have observed looking at the UCDP data, ASEAN's capability in the arena of conflict prevention has not been marked by the absence of conflicts *per se.* Indeed conflicts and disputes of minor intensity have continued to cross the region, nonetheless the ASEAN RSP was able to contain them through the diffusion of ASEAN principles and standards of cooperation. Equally economic growth and increasing trade became forces to increase regional stability. Economic growth was indeed, functional to security as it enlarged and consolidated the state, improved the level of investment flows, and raised people and standard of living. Beneficial gains among ASEAN members pushed members to building new institutions, to enlarging areas of cooperation and, consequently, to lessening their tensions. Besides the economic dimension, ASEAN policies have also promoted the development of a normative framework, which allowed for the peaceful settlement of disputes, particularly rooted on the exercise of self restraint and confidence building. These mechanisms have proved to be useful in the Dispute in the South China Sea, where the economic factor together with the activity of norm building have contained, to some degree, the military flashpoint. ASEAN mechanisms, however, show strong limits in terms of their capability to provide for conflict solution. The dispute in the South China Sea is still ongoing and raising greater concern. And the new attempts to put into practise new instruments of prevention, which give major emphasis to the role of the Secretary General and to the ASEAN Chair - as framed in the ASEAN Charter and in the ASEAN Security Blueprint- have displayed their weakness in the very recent border dispute between Thailand and Cambodia. Finally, troublesome is ASEAN performance in the arena of domestic conflicts. In fact, a strong adherence to the principle of non-interference have lengthily left out from ASEAN agenda concerns of domestic nature. Only in the Nineties has ASEAN found the necessary internal cohesion to agree on common stances to take a joint action when domestic disputes escalated into a war. This was in the case of the Cambodian crisis of 1997 when ASEAN was able to put into place mechanisms of economic and membership conditionality to push the country to stop the internal

violence. This tendency, however risk to remain isolated if ASEAN is not capable to achieve a flexible understanding of non interference thus going beyond a strict adherence to the principles of the "Asean way".

ANNEX 3.1. THE ASEAN POLITICAL
SECURITY BLUEPRINT: THE STRATEGIES TO PREVENTION

Source: ASEAN website http://www.aseansec.org/22337.pdf.

ASEAN POLITICAL SECURITY BLUEPRINT AND THE POLICIES OF CONFLICT PREVENTION/ CONFIDENCE BUILDING MEASURES	**ACTIONS**
B.1.1. Strengthen Confidence Building Measures	1. Organise regional exchanges among ASEAN Defense and military officials, at all levels, including among military academies, staff colleges and defence universities in the ASEAN Member States; 2. Promote the exchange of observers of military exercises, commensurate with the capability and condition of each ASEAN Member State; 3. Share information among ASEAN Member States on submissions to the UN Register of Conventional Arms; 4. Promote bilateral exchanges and cooperation between defence officials and exchange visits between military training institutions to promote trust and mutual understanding; 5. Conduct joint research projects on defence issues between government-affiliated policy and strategic research institutes in the region.
B.1.2. Promote Greater Transparency and Understanding of Defence Policies and Security Perceptions	1. Work towards developing and publishing an annual ASEAN Security Outlook; 2. Hold voluntary briefings on political and security developments in the region; 3. Develop an ASEAN early warning system based on existing mechanisms to prevent occurrence/escalation of conflicts; 4. Hold consultations and cooperation on regional defence and security matters between ASEAN and external parties and Dialogue Partners including through the ADMM Plus when it is operationalized.

B.1.3. Build up the necessary institutional framework to strengthen the ARF process in support of the ASEAN Political-Security Community (APSC)	1. Follow-up on the recommendations of the Review of the ARF; 2. Implement the enhanced role of the ARF Chair, and activate the Friends of the ARF Chair mechanism as and when needed; 3. Implement the decision of the ARF Ministers to move the ARF towards the preventive diplomacy stage (PD); 4. Expand the capacity of the ARF Heads of Defense Universities, Colleges and Institutions Meeting (ARF HDUCIM) to exchange best practices in defense policies and academic development; 5. Compile best practices on confidence building measures, preventive diplomacy and conflict resolutions for further development by ARF; and Enhance the role of the Secretary-General of ASEAN in the ARF including further strengthening the ARF Unit in the ASEAN Secretariat
B.1.4. Strengthen efforts in maintaining respect for territorial integrity, sovereignty and unity of ASEAN Member States as stipulated in the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations	1. Compile best practices and relevant international law to promote understanding and appreciation of best practices concerning friendly relations and cooperation among Member States of the United Nations; 2. Convene consultation as well as a series of tract-two activities to strengthen cooperation in addressing threats and challenges that may affect the territorial integrity of ASEAN Member States including those posed by separatism; and 3. Further promote and increase awareness on these issues to help accelerate the pace of ASEAN Community building and elevate ASEAN's profile in the world.
B.1.5. Promote the development of norms that enhance ASEAN defence and security cooperation	Initiate preparatory work for the development of practical cooperation programmes among the militaries of ASEAN Member States.

CHAPTER 4

REDEFINIG THE ASEAN SECURITY AGENDA: THE ASEAN RSP AND THE TASK OF PROTECTION

The growing salience of NTS threats after the end of the Cold war caused a rapid wave of attention to non-traditional sources of insecurity. Just before the economic crisis of 1997 national governments defended their domestic affairs and refused any dilution of their national sovereignty even though rising levels of interconnection and interdependence were calling for new forms of cooperation. However, against the backdrop of new security challenges, the growing sense of vulnerability amongst Southeast Asian states accompanied by the perceived loss of control over national territories led to a progressive "rethink" of the traditional notion of security and, as a consequence, of the existing mechanisms of regional cooperation, factors which, one the one hand, have put into question the traditional reluctance of Southeast Asian states to surrender some of their prerogatives to ASEAN, on the other, are compelling the Association to take on a new security responsibility. ASEAN thus begun to recognize the imperative to create security both *externally* and *internally* and even if the principles of the ASEAN way are still recognized as the viable path to regional security cooperation, the Association is incrementally endorsing new principles and building up new capacities in areas traditionally belonging to the domain of its member states. The result is that the ASEAN RSP is acquiring an ascending role in what Kirchner and Sperling define "protection" and that the complex spectrum of NTS threats is challenging ASEAN's method of security cooperation and creating the premises to increase its involvement in the management of transnational breakdowns.

Starting from these general arguments this chapter aspires to investigate ASEAN's ascending role in the arena of internal security, having as its ultimate goal the ambition to explore to what extent the ASEAN RSP performs the task of protection and in what direction this might develop. The chapter rests upon two interlinked hypotheses. First, it is argued that emerging NTS challenges are

pivotal for the expansion of ASEAN political security agenda and instrumental to produce policy and institutional change. Thus in the first part of the chapter after having briefly introduced what we mean by "protection", we will try to put into evidence ", through a diachronic analysis of the ASEAN Ministerial Meeting Joint Communiqués from 1990 until 2010, how external threats impact on the ASEAN security agenda, producing its expansion as well as the adoption of new principles of cooperation that go beyond traditional military security. Then, in the second part of this chapter, the strengthening of ASEAN capacity in the arena of internal security is explored through the prism of two case studies, which somehow constitute two extremes of the spectrum of security threats, namely terrorism and disaster management.

4.1. Non-traditional security issues and the task of protection

The Westphalian sovereignty system has strictly confined the task of internal security to national states considered as the unique providers of the security of their citizens. However, the growing prominence of NTS challenges has made it increasingly difficult for national states to satisfy the security needs of their communities and has progressively cut off the rigid demarcation between the dimensions of internal and external security, domestic and regional problems. In other words, the "*spatial, territorial and social de-bounding*"[208] of contemporary challenges render national states increasingly permeable to external influences and inadequate actors to contain, through their domestic unilateral responses and measures, the new sources of threats. States thus progressively lose their monopoly over national security, while the growing nexus between national and international security, compels them to create to new forms of regional cooperation and opens the path to regional organizations to take the lead against new non-military sources of danger.

In the Southeast Asian region, most ASEAN members remain, however, committed to a Westphalian view of sovereignty, with the consequence[209] that ASEAN's new responsibility in the "internal" security arena is neither the result

208. Ulrich Beck, "The Terrorist Threat: World Risk Society Revisited", cited.
209. Rizal Sukma, *ASEAN and Non Traditional Security*, CSIS, Tokyo, 3 December 2010.

of a long-lasting project nor of a grand design. However, the emergence of new transboundary threats, which exposed national states to a variety of unpredictable challenges, increased the awareness of the inadequacy of national solutions to preventing and defeating them, and dictated the reinforcement of cooperative initiatives motivated by the fact that the object of security is no longer the state, but also the people, both at the individual and societal level. The reality of contemporary challenges has been pivotal and even accelerated the move towards new regional efforts of cooperation in issues traditionally pertaining to the internal domain. These threats, indeed, know no boundaries and impose uncompensated costs on people and populations of different countries. They are, in fact, transnational in scope and can easily be transmitted from one place to another due to globalization and communication technology.[210]

In this context, the debate on the re-conceptualization of security has brought again to light the need for a reorientation of the security referent from the exclusive focus of the state to the security of individuals, societies and groups.[211] In the world of today, *security*, in fact, has to take into account also those non-traditional dangers whose impact on individuals and communities can be as severe as those resulting from military conflicts and violence.[212] No surprise, therefore, that in the course of the Nineties, particularly, after the advent of the Asian financial crisis, NTS issues gained a growing sense of urgency and multiple actors started to "securitize them".[213] This securitisation process was shown by the security language increasingly employed in framing these issues as security threats as well as by the adoption of non conventional measures "beyond the normal bounds of political procedures".

Under these premises, *protection*, defined as the capacity to provide internal security, turned into the new ascending aspiration of the ASEAN RSP. This aspiration is reflected in the enlargement of the ASEAN security agenda, which

210. Mely Caballero Anthony, Ralf Emmers and Amitav Acharya, *Non Traditional Security in Asia: Dilemmas in Securitization*, London: Ashgate, 2006.
211. Mely Caballero-Anthony, "Non Traditional Security and Infectious Diseases in ASEAN-going beyond the rhetoric of securitization to deeper institutionalization", *The Pacific Review*, vol. 21, no. 4, December 2008, pp. 507-525.
212. ibidem.
213. Mely Caballero Anthony, "Non Traditional Security in Asia: The many faces of securitisation", Andrew F. Cooper, Christopher Hughes and Philippe de Lombaerde, *Regionalism and Global Governance. The taming of Globalisation*?, London: Routledge, 2008, pp. 190-192.

widened its attention to issues traditionally belonging only to the national domain, from organized crime, to terrorism, health, disaster management, food and energy security. The task of "protection" has therefore become one of the top priorities of the ASEAN agenda. Indeed, as argued by current ASEAN Chair, the President of Indonesia Susilo Bambang Yudhoyono in his speech to the delegates at the 18th ASEAN Summit: "*As ASEAN readies itself for the final sprint towards an ASEAN Community by 2015, the regional grouping must remain aware of the challenges ahead and seize the opportunities...We cannot face these challenges merely at a national level, but instead produce solutions that are more comprehensive and cooperation that are more intense among countries in the Southeast Asian region."*[214]

214. ASEAN Secretariat, *ASEAN must Be Nimble Enough to face the Challenges and Seize the Opportunities of New Century, Urged Indonesian President*, Jakarta, 7 May, 2011. Available at ASEAN website: http://www.aseansec.org/26246.htm.

4.2. New Threats and the expansion of the ASEAN political security agenda

Before we investigate how specific NTS issues have been securitized and in what terms ASEAN strengthened its capacity to tackle them we first explore, how new sources of threats are reshaping the ASEAN security agenda and pushing to the adoption of new security principles.

It has to be noted that in recent years, some studies on the development of ASEAN agenda have mostly concentrated on the new mechanisms and arrangements set up by the Association to face contemporary challenges.[215] Nevertheless, we cannot find significant research efforts that have empirically explored how the agenda of the Association of Southeast Asian Nations changes over time. This study is a first attempt to systematically analyse the agenda of the Association through a diachronic analysis of the AMMJC since 1990 - the moment in which the ASEAN RSP begun to consolidate - until 2010. The final goal of this work is to capture more clearly the distribution of attention to different security topics, as well as under what conditions ASEAN Foreign Ministers shift attention from one topic of concern to the next, that is to say, to explore the nexus between the emergence of new threats, the broadening of ASEAN security agenda and the recalibration of ASEAN security principles.

4.2.1. Data and method

Within ASEAN, the AMM constitutes the body responsible *par excellence* for the formulation of policy guidelines and of ASEAN activities. Every year, the AMM convenes the Foreign Ministers of ASEAN members to discuss sensitive political-security, economic and social issues concerning the region. The analysis on AMMJC offer, therefore, the possibility to explore the evolution of attention from one field to another in the course of the years and to examine the degree to

215. To mention some studies: David Martin Jones and Mike L. Smith, "The Changing Security Agenda in Southeast Asia: Globalization, New Terror and the Delusion of Regionalism", *Studies in Conflict and Terrorism*, vol. 24, no. 4, 2001, pp. 271-288; Mely-Caballero Anthony, *Regional Security in Southeast Asia. Beyond the ASEAN way*, Singapore: Institute of Southeast Asian Studies, 2005.

which the ASEAN security policy agenda shows diversity.[216] From 1990 until 2010 twenty documents have been coded. The codes make no reference to tone or direction of activity. They only denote the field which is being discussed by the ASEAN Foreign Ministers.

The codebook includes 26 security topics, most of them including a large number of subtopics. For the purpose of the study and in order to simplify the picture and allow for a broad analysis most subtopics have been aggregated to the major topics. For example, "ASEAN Security Principles" include the ASEAN norms relating to the code of conduct of interregional relations and the mechanisms for the peaceful solution of disputes (the Treaty of Amity and Cooperation, the Zone of Peace Freedom and Neutrality etc.); "International Security", "Regional Security" and "Domestic Security" are related to a wide array of situations (conflicts in the Middle East, Africa, Timor Leste, Korea, Cambodia, Myanmar etc.). "External Cooperation" includes both cooperation with Dialogue and non-Dialogue partners. Since 1998 "Environment" includes also climate change and haze pollution. Some other security topics, on the contrary, despite their relation to a major topic have been treated independently, mostly due to their autonomous relevance on the agenda. This is, for example, the case of the "UN", the "ARF", and the "Non Aligned Movement", which might have been considered as part of "ASEAN External Relations"; of the "Dispute in the South China Sea, which could have been treated as part of "Regional Security"; and of "Health", which has been distinguished from "Pandemics" to mark the shift of the ASEAN political security agenda in the outbreak of SARS (Severe Acute Respiratory Epidemic).

Moreover, it has to be remarked that besides the above mentioned 26 security topics, the ASEAN security agenda has almost a permanent focus on the development of Intra-ASEAN cooperation, which covers a various set of issues

216. It has to be noted that the emergence of new threats gave birth to new bodies and enlarged the picture of the agenda setters to the ADMM, the ALAWMM, the AMMTC as well as to the ADMM, the ASEAN Ministerial Meeting on the Environment and to the ASEAN Health Ministerial Meeting. The presence and growing relevance of these bodies is a further indicator of the expansion of ASEAN scope. However, only the analysis of the AMMJC, which has been in existence since the Mid-Seventies and has always been at the centre of policy formulation, can be considered as the most appropriate path to systematically explore the evolution of attention from one security field to another in the course of the years and to examine the degree to which the ASEAN security policy agenda shows diversity.

comprising also human rights, drugs, transnational crime, civil service matters, health and environment and other sectors of functional cooperation. However, in order to avoid any overlap, intra-ASEAN cooperation has not been listed as a security category. An additional reason behind this choice is that Intra-ASEAN cooperation deals more directly with the process of ASEAN development giving no emphasis to specific security concerns but simply listing a wide set of issues on which ASEAN members should enhance their cooperation.

Finally, we have also divided security topics into five major category fields, with respect to the similarity of the security concern, namely "ASEAN Security Principles", "Traditional Security Concerns", "External Cooperation", "ASEAN Development" and "Non Traditional Security Challenges". This distinction is meant to help to further understand what attention is given to similar security issues in the agenda over time.

As a result ASEAN security policy agenda has been encoded as follows:

CATEGORY OF SECURITY FIELDS	SECURITY TOPIC
ASEAN Security Principles	1. ASEAN way
	2. Arms control and disarmament
Traditional Security Concerns	3. Relations with major powers
	4. Domestic Security
	5. South China Sea
	6. International Security
	7. Regional Security
	8. Refugees/Asylum
External Cooperation	9. External relations
	10. Non aligned Movement
	11. UN
	12. ARF
ASEAN Development	13. ASEAN institutional development

	14.	ASEAN enlargement
Non traditional Security Challenges	15.	Economic Security
	16.	Environment
	17.	Drugs and illicit trafficking
	18.	Disaster Management
	19.	Food and energy security
	20.	Human Rights
	21.	Health
	22.	Terrorism
	23.	Transnational Crime
	24.	Pandemics
	25.	ASEAN Maritime Cooperation
	26.	Human Trafficking

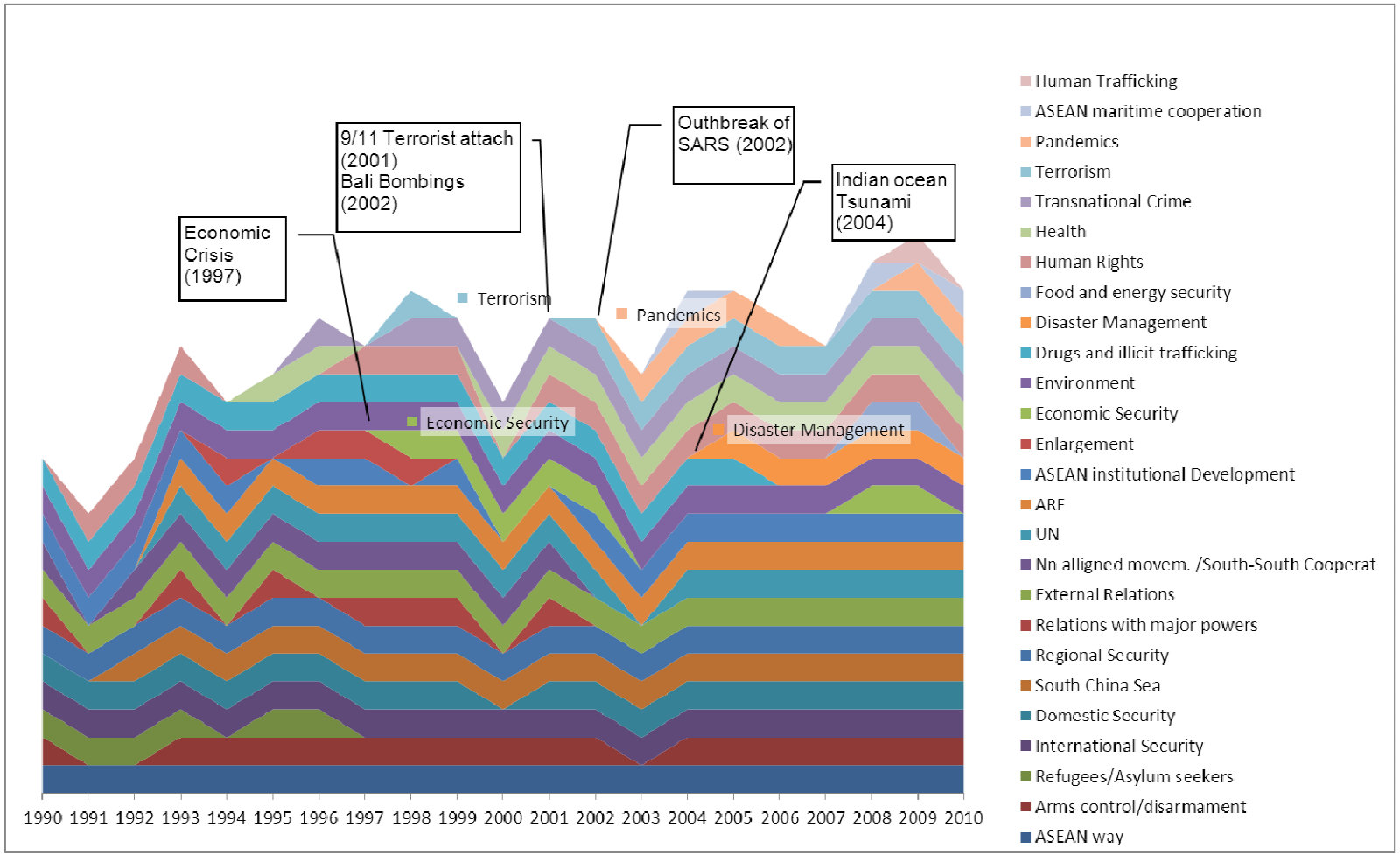
Methodologically, to each security topic we have assigned the value of 1 if the issue has obtained attention by the ASEAN Foreign Ministers, while we have assigned the value of 0 when the issue was absent from ASEAN agenda. In so doing, we have tried to mark the evolution of attention over time and the variation on diverse matters of concerns in the time span 1990-2010.

The time interval for measuring the allocation of attention and changes in it is the year. The choice was simplified by the continuity of the agendas. Indeed, since the mid Seventies AMMs are held regularly every year.

4.2.2. An empirical insight into the expansion of ASEAN political security agenda

After having codified the documents we have proceeded to analyse the general picture of the agenda. Figure 4.1.reports the results of the diachronic analysis, which substantially is meant to display the presence (value 1) or absence (value 0) of a security topic within the agenda in a year (and not its intensity).

FIGURE 4.1. A DIACHRONIC ANALYSIS OF ASEAN SECURITY AGENDA



From a look at the chart we see that the attention allocated to each of these fields varied in time. Not all security topics were touched upon in discussions throughout the twenty AMM. On the contrary, some topics, such as "Refugees and Asylum seekers" as well as "Relations with major powers", were treated only in the beginning of the Nineties. Conversely, in the post Cold War security discourse they disappeared entirely from the agenda probably because they lost their prominence as major security threats. The issue of "Refugees", e.g., became less salient with the end of the Cambodian conflict and the progressive restoration of the country, while until the beginning of the Nineties the issue was perceived with a particular sense of urgency especially by Thailand, which shared a border with Cambodia and had to host hundreds of refugees. Similarly, in the course of the Nineties, with the decreasing power competition and the proliferation of multilateral institutions, attention to major powers as "guarantors" of regional security lost its relevance in favour of "External Cooperation", particularly with dialogue partners. In general terms, this shift implies therefore that problems acquire attention when they become matters of priority, but also disappear due to the ascendance of other perceived security threats.

A second aspect that figure 4.1. displays is that the topics related to the ASEAN way, arms control, issues of traditional security (domestic, regional and international) as well as external cooperation are a permanent focus of ASEAN Foreign Ministers so that they form somehow the "hard shell" of the ASEAN security agenda. Foreign Ministers, indeed, constantly recall the principles of the ASEAN way and of nuclear non proliferation as the most appropriate tools to manage interstate relations at a regional and at a broader level.

Third, the diachronic graph demonstrates existing linkage between the emergence of new threats and the expansion and *"reorientation"* of the ASEAN security agenda towards new dimensions of security. As the evidence shows, in fact, in the cases that have been displayed in the chart, when the signals of economic, health, security and pandemics concerns reached major levels, the agenda shifted its attention to these new dimensions of security. ASEAN Foreign Ministers, in fact, began to concentrate their attention on the dimension of "economic security" only after the economic crisis of 1997. The Asian crisis, indeed, reinforced the idea that problems in one region are not confined to a single

sub region and could spread to affect other states around Southeast Asia due to increasing global interconnections challenging every national attempt to control economic flows within their borders. Similarly to economic security, since the 9/11 terrorist attack and the Bali bombing of 2002, terrorism has became a major focus on ASEAN agenda. Modern terrorism indeed by creating a transnational network may severely disrupt tourism, business, travel and economic development thus affecting regional stability. Another case is SARS epidemic, which in 2002-2003 spread throughout the region causing a estimated cost of US18-60$ billion in direct expenditures, loss of tourism and business and slowed economic performance.[217] The SARS episode was indeed a powerful reminder that pandemic outbreaks are unpredictable, closely linked to the effects of globalization, and utterly defiant of national borders or national remedies. Equally, the Indian Ocean Tsunami caused by the deep-sea earthquake near northern Sumatra in 2004, which severely hit the province of Aceh and the coasts of Thailand alerted the Southeast Asian governments to the need to cooperate on disaster management. The World Bank has estimated the total damages and losses caused by the earthquake and tsunami at approximately US$ 4,45 billion or almost 100% of Aceh's GDP in 2003. By mid March 2005 the official Tsunami death toll in Indonesia was close to 167 thousand.[218] In this context attention to the environment, has thus differentiated to include also the dimension of climate change, man made and natural disasters which are turning into the most notable perils confronting ASEAN members. Finally, the attention of ASEAN Foreign Ministers has also recently turned to the issue of food, and particularly energy security. Energy, indeed, is becoming a major source of rivalry in Southeast Asia. For ASEAN, Sino-Indian competition for access to the energy resources in Myanmar is a matter of concern, since it undermines cooperation between the two Asian powers. There is also a growing concern for explorations for oil and gas by claimant nations that have already aggravated the territorial disputes in the South China Sea and all the nations of the region are beginning to recognize that

217. Julie Fisher, "Disease Respects no Borders: Governance, the State and Regional Health Security", in Amit Pandya and Ellen Laipson, eds, *Transnational Trends: Middle Eastern and Asian Views.* Washington, DC: The Henry L. Stimson Centre, 2008, pp. 251.
218. Prema-chandra Athukorala and Budy P. Resosudarmo, *The Indian Ocean Tsunami: Economic Impact, Disaster Management and Lessons*. May 2005, WP in Trade and Development no. 2005/05, The Australian National University.

pollution and resource issues can cause international tensions and in some cases can be destabilizing.[219]

Against the backdrop of these external events, the ASEAN agenda thus shifted its focus to new matters of security concern. To this regard, it is worth highlighting the *weight* that each security category occupied within the agenda in the course of the years. These empirical findings, which are reached through the use of the above mentioned data,[220] are reported in the following figures 4.2. and 4.3., which, from two diverse perspectives display, what security concerns concentrated the attention of the AMM in four different time spans 1990-1994; 1995-1999; 2000-2004; 2005-2010. Particularly, in figure 4.2., that is meant to put into comparison the volume of attention devoted to the five security categories, we observed that since the beginning of the Nineties the focus was mainly assigned to the "ASEAN Security Principles" and to "Traditional Security Concerns". Since 1995 the promotion of new relations with Dialogue and non-Dialogue partners as well as the new activity of the ARF brought "External Cooperation" to become a major focus of ASEAN Foreign Ministers. The category of "ASEAN Development" has always been at the centre of ASEAN discussions. However, the most remarkable aspect that figure 4.2. reveals is the constant ascendance of NTS issues on ASEAN agenda, particularly in the course of the last decade. NTS occupied, indeed, just a small portion of the ASEAN security agenda in the beginning of the Nineties to acquire progressively a prominence in relation to the other security categories. This observation is further emphasized by figure 4.3., which displays the trend in terms of the attention that

219. Taek Hyun, Sung- Hang Kim and Geun Lee, "Bringing Politics Back In: Globalization, Pluralism and Securitization in East Asia", in Amitav Acharya, Ralf Emmers and Mely Caballero-Anthony, *Studying Non Traditional Security in Asia: Trend and Issues*. London: Marshall Cavendish Academics, 2006, p. 119.

220. At a methodological level, in order to obtain these results, we proceeded as follows. Considering that the agenda is always composed of five security categories we have assigned to each security category the same value, that is to say 1/5 of the agenda (0,20) (**weight of each security category**). Then we considered the weight of a single topic within its category of reference (e.g. if the category is composed of four topics each topic has a value of 1/4 of the category-**weight of the security topic within the category**). The weighted sum of the topics of each category gives the contribution of each category within the ASEAN agenda in the course of the years. (e.g. in the case that a category is formed by four topics if in one year just two topics are discussed the contribution of the category within the agenda is given by 0,25 x 0,20 + 0,25 x 0,20.) Finally, in order to group the values of the security categories in the different time spans we proceeded with the average of the obtained results.

each security category acquired in the diverse time spans. In relation to this, we notice, in fact, that only attention allocated to NTS challenges grows steadily within the discussion of ASEAN Ministerial Meetings, while all the other security categories face ups and downs due to the fact that some topics drop to lower key importance and are progressively abandoned (e.g. refugees, South-South Cooperation etc). These indicators therefore further suggest that ASEAN became increasingly sensitive to NTS issues.

FIGURE 4.2 THE PERCENTAGE OF ATTENTION DEVOTED TO EACH SECURITY CATEGORY

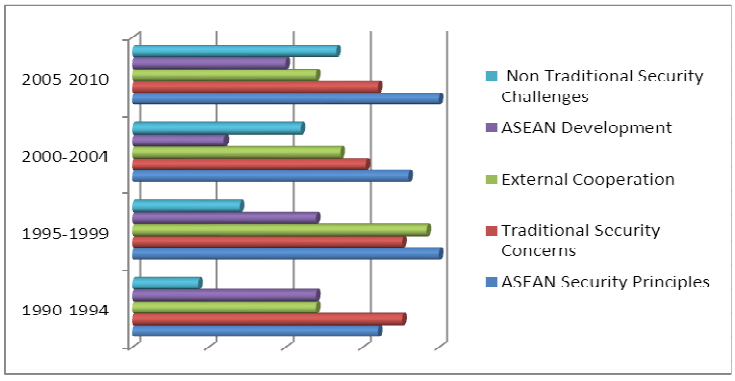
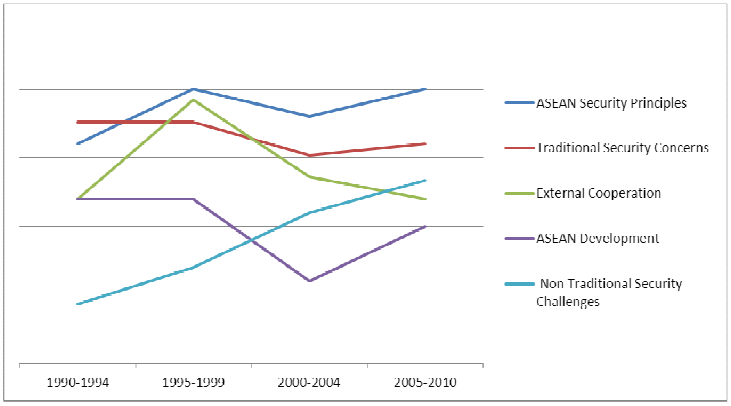


FIGURE 4.3. TREND OF DIFFERENT SECURITY CATEGORIES WITHIN THE ASEAN SECURITY AGENDA



4.2.3. The principles governing the new ASEAN political security agenda in the arena of internal security

Under the emergence of new challenges ASEAN managed first overcome the scepticism of its members and was able to advance a new vision and endorse new crisis management capacities. The new ASEAN path was already embodied in the ASEAN Vision 2020, that defined the new economic, political and social goals of the Association and the modalities to implement the ASEAN Vision 2020 were defined in the Hanoi Plan of Action, which clearly outlined the measures for the strengthening of macroeconomic and financial cooperation, the enhancement of greater economic cooperation, the promotion of science and technology development, social and human resource development, the protection of the environment, the promotion of ASEAN's role as an effective force to peace in the Asia Pacific and the enhancement of regional cooperation to achieve regional peace and stability.[221] The Hanoi Plan of Action also stressed the importance of reviewing ASEAN's organisational structure in order to improve its efficiency and effectiveness due to the expansion of ASEAN activities, the enlargement of ASEAN membership and the overall regional situation.[222]

Additionally, other measures, display ASEAN's recent ambition to improve its regional capacity at an internal level and to deepen the areas of regional cooperation. Examples are the Signing of the Agreement on Information Exchange and Establishment of Communication in 2002 for promoting cooperation in combating transnational crime including terrorism; the adoption of several measures to combat infectious diseases including the development of the ASEAN Centre for Disease Control, the Cebu Declaration on Energy Security and, notably, the recent Convention on Counter terrorism 2007

However, the major step taken by the Association to reorient its policies towards the dimension of protection is entailed in the Bali Concord II, which permitted ASEAN to enlarge its sphere of activities. The ASC was created on the initiative

221. ASEAN Secretariat, *Hanoi Plan of Action*, Hanoi, 15 December 1998. Available at ASEAN website: http://www.aseansec.org/8754.htm.
222. ibidem.

of Indonesia as a regional framework of security cooperation amongst ASEAN members, and provided the proper platform to strengthen ASEAN regional capacity to cope with contemporary challenges. In fact, recognizing that most of the threats have now a transnational dimension, the ASC goes beyond the requirements of traditional security and introduces explicitly a comprehensive and multidimensional approach to security, which takes into account NTS issues vital to regional and national resilience, such as the economic, socio-cultural, and environmental dimensions of development. More specifically, the ASC devotes attention to new threats such as "*maritime and trans-boundary concerns*" and to *counter terrorism*. As stated in the Declaration of Bali II, in fact: "*The ASC shall fully utilize the existing institutions and mechanisms within ASEAN with a view to strengthening national and regional capacities to counter terrorism, drug trafficking, trafficking in persons and other transnational crimes".*[223]

The ASEAN Charter consolidated the new regional framework in the field of non traditional security. The ASEAN Charter proclaims ASEAN commitment to "*responding effectively, in accordance with the principle of comprehensive security to all forms of threats, transnational crime and transboundary challenges", "promoting sustainable development as to ensure the protection of the region's environment", and strengthening cooperation in building a secure, safe and drug-free environment for the people of ASEAN*".[224]

Yet the process of securitization of new threats in the context of Southeast Asia has to face the challenge of the practical implementation of these new rules. Given, in fact, the intergovernmental nature of the Association, cooperation will mostly rely on the willingness of ASEAN members to pool resources and assist each other. Thus the difficulty for ASEAN to create security can be affected by national obstacles and resistance by some ASEAN members to these new ASEAN security goals and regional initiatives.

Nevertheless the adoption of the ASEAN Security Blueprint, which together with the mechanisms concerning the renunciation to the use of force seeks to address NTS challenges by defining the actions that have to be taken to strengthen cooperation in these policy areas (transnational crime and other transboundary challenges, terrorism, cooperation on disaster management and emergency

223. ASEAN Secretariat, Declaration of ASEAN Concord II (art. 10)
224. ASEAN Secretariat, *The ASEAN Charter,* cited.

response) suggest ASEAN disposition to welcome the institutionalization of a new regional capacity to tackle issues traditionally belonging to the internal domain.

In consequence, the ensemble of these initiatives and the expansion of ASEAN security agenda with the introduction of new issues and new goals of regional cooperation are showing ASEAN aspiration, at least at a normative level, to exert a more prominent role in the arena of internal security and to set a common agenda for all ASEAN members. Although existent measures have so far had declaratory nature they show the ambition of ASEAN to take "cooperation to a higher plane", which implicates a growing involvement of the Association as a security provider. Yet critical *substantive lacunae* impede the emergence of ASEAN influential role in coordinating joint actions and efforts to face these challenges. Particularly, the promise of ASEAN as a security provider encroached on the principle of non interference, on the *de jure jurisdiction* of ASEAN members and on their reticence to go beyond the principle of sovereignty. Thus, as will be discussed in the following case studies, ASEAN's role as a security provider in the arena of terrorism and disaster management show the inherent tension between, on one hand, the regional growing recognition that non interference is inadequate to cope with new NTS challenges, on the other the necessity to overcome ASEAN's members reluctance to abdicate to their prerogatives.

4.3. Assessing ASEAN Performance in NTS Challenges. A special focus on two case studies: terrorism and disaster management

After having explored the evolution of ASEAN security agenda, the second part of this chapter will analyse in more detail the *securitisation* of terrorism and disaster management, which in the course of the last decade have become two of the major security concerns in Southeast Asia. It is argued that in the light of new threats ASEAN strengthened its performance to counter act these challenges. To this regard there are two general yardsticks to measure ASEAN performance: first we will consider ASEAN efforts in harmonizing the norms of its members; second we will evaluate ASEAN capability to put into place mechanisms to tackle these threat. Terrorism and disaster management represent two extremes of security threats. ASEAN cooperation on terrorism is complicated by mutual suspicions, by the model of cooperation which is founded on the principle of "consensus", by non interference and mutual respect, which render Southeast Asian cooperative mechanisms rather weak.[225] Disaster management, on the contrary, is a less sensitive issue to national sovereignty, and offers the prospect of a successful ASEAN joint effort, even though, also within this field cooperation can be constrained by governments, e.g. by the military junta in Myanmar during the cyclone Nargis.

4.3.1. ASEAN and counter terrorism

By the mid Nineties, before terrorism entered the ASEAN agenda, Southeast Asian states had to realize that transnational crime was negatively impacting regional peace and the internal development of ASEAN members. Ministers of home affairs and interiors thus met in Manila for the first ASEAN Conference on Transnational Crime, which marked the birth of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), which in a few years became the core ASEAN body to counter terrorism and transnational crime.

225. Sandy Gordon, "Regionalism and Cross Border Cooperation against Crime and Terrorism in the Asia Pacific", *Security Challenges*, vol. 5, no. 4, 2009, pp. 75-102.

During the first AMMTC, the ASEAN Declaration on Transnational Crime was adopted with the goal of strengthening the commitment of member countries to cooperate in NTS areas, including terrorism. The Declaration resolved to improve the coordination between ASEAN bodies and, to this aim, to convene regular meetings at least every two years. Additionally, it encouraged holding discussions, sharing information, signing agreements between ASEAN members and improving networking of the relevant agencies. Finally, it stressed the importance of exploring ways by which member countries can work closely with relevant agencies, organizations and dialogue partners and to reinforce the ASEAN Secretariat's capacity in initiating and planning the activities in this field and to establish and ASEAN Center on Transnational Crime (ACOT).[226] Most of the measures outlined above have been implemented to varying extent, though the idea of ACOT has been abandoned.[227]

ASEAN anti-terror continued, however, to remain rather underdeveloped. It is only after the 9/11 attack that ASEAN commitment in the fight against terrorism had a major boost. Southeast Asia was declared as the "second front" in the war on terror by the Bush presidency. There were indeed strong concerns that the terrorist network could have profited from the weakness of Southeast Asian countries, the presence of porous borders and of the regional religious polarization. Furthermore the Al Qaeda terrorist network was setting up local cells, particularly in Kuala Lumpur and Bangkok, to exploit the regional loose border and financial controls and was also cooperating with indigenous regional terrorist groups such as Jamaah Islamiah (JI), the Moro Islamic Liberation Front (MILF) and Aby Sayyaf Group (ASG)[228] in order to plan attacks and take the opportunity to raise and transmit its network funds.

As a result the New York attack drew strong attention to the issue of terrorism, which led ASEAN to issue another strong condemnation of terrorist practises

226. ASEAN Secretariat, *ASEAN Declaration on Transnational Crime*, Manila, 20 December 1997. Available at ASEAN website: http://www.aseansec.org/5640.htm.
227. Anna Cornelia Beyer, "Counterterrorism and International Power Relations, The EU, ASEAN and International Power Relations", *The EU ASEAN and Hegemonic Global Governance*. London: Tauris Academic Studies, 2010, p. 109.
228. Bruce Vaughn, Emma Chanlett- Avery, Ben Dolven, Mark Manyin, Michael Martin and Larry Niksch, *Terrorism in Southeast Asia*, Congressional Research Service, CRS Report for Congress, 16 October, 2009. See also: Country Report on Terrorism 2009, United States Department of State, Publication Office for the Coordinator for Counterterrorism, August 2010.

through the 2001 Declaration on Joint Action to Counter terrorism. The Declaration had a high symbolic value as it first described terrorism as a threat to peace and international security. Furthermore, by strongly condemning terrorisms ASEAN leaders committed to joining the global network to fight the growing threat to international peace and security:

"*We unequivocally condemn in the strongest terms the horrifying terrorist attacks...and consider such acts as an attack against humanity and an assault on all of us*"..." *We view acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever as a profound threat to international peace and security" and "commit to counter, prevent and suppress all forms of terrorist acts".* [229]

Particularly, the document shows the ascendant awareness among Southeast Asian countries that terrorism could only be confronted by regional and international cooperation rather than by unilateral mechanisms. And to this end the Declaration called for the strengthening national mechanisms to combat terrorism, ratify all relevant antiterrorist conventions, deepen cooperation in areas of intelligence sharing, law enforcement, develop regional capacity, strengthen cooperation and coordination between the AMMTC and other relevant ASEAN bodies, and building programs to enhance capabilities of member countries to investigate, detect, monitor and report terrorist activities. Finally, ASEAN leaders vowed to enhance cooperation at a bilateral, regional and multilateral level and to explore practical ideas to increase ASEAN's role with the international community and make the fight against terrorism a truly regional and global commitment.

The specific measures outlined in the Declaration were then incorporated in the Terrorist Component of the Work Programme to implement the ASEAN Plan of Action to combat Transnational Crime adopted in May 2002, which outlines 6 primary strategies of action: information exchange, cooperation in legal matters, cooperation in law enforcement, institutional capacity building, training and extra-

229. ASEAN Secretariat, *Declaration on Joint Action to Counter Terrorism*, Bandar Seri Begawan, 5 November 2001. Available at ASEAN website: http://www.aseansec.org/5620.htm.

regional cooperation.[230] Additionally, measures for the fight against money laundering and the funding of terrorism were established during the ASEAN Summit of October 2002.

However, diverse national perspectives on the extent of the threat, the varying counterinsurgency capabilities, and interstate tensions, continued to hamper the effectiveness of these regional initiatives. Furthermore, member states were finding it difficult to share their information on sensitive data, very close to their national sovereignty and interests.

After the Bali Bombing of 2002 things, however, started to change. On one hand, after the bombings, which killed approximately 200 people and injured some 200 more, Indonesia accepted the existence within its borders of radical elements wishing to establish a caliphate and pursuing a pan Islamic project and opted for new forms of multilateral initiatives.[231] On the other, the cost that the Southeast Asian countries had to pay in terms of loss of tourism, growth reduction and increasing military spending triggered a growing awareness that terrorism could not be uniquely associated to separatist movements in the Philippines and Indonesia and delegated it to the internal affairs of single countries. The negative externalities of the attack spread, in fact, all over the region, causing a 38% fall of tourism arrivals in Indonesia, a rise to 3,5 million by 2008 in the number of displaced persons (victims of counter insurgency and of the war) and an average reduction of GDP by 3%.[232] And even more importantly the increasing number of victims of terrorism since 2001 made Southeast Asian countries feel vulnerable (figure 4.4.).

In response to the bombing ASEAN reiterated its commitment to the fight against terrorism in a new Declaration, which, notably, denied any connection between terrorism and any religion. ASEAN leaders also expressed the desire towards accession of the UN Conventions to fight terrorism such as the 1999 International Convention for the Suppression of the Financing of Terrorism, and marked the importance of establishing a regional cooperation Center in Kuala

230. ASEAN Secretariat, *Work Programme to implement the ASEAN Plan of Action to combat Transnational Crime*, Kuala Lumpur, 17 May 2002. Available at ASEAN website: http://www.aseansec.org/5616.htm.
231. Interview with Arabinda Acharya, RSIS, 15 July 2011, Singapore.
232. Rommel C. Banloi, *Counter Terrorism Measures in Southeast Asia- How effective are they?*. Yuchengco Center, Manila: De La Salle University, 2009, pp. 67-72.

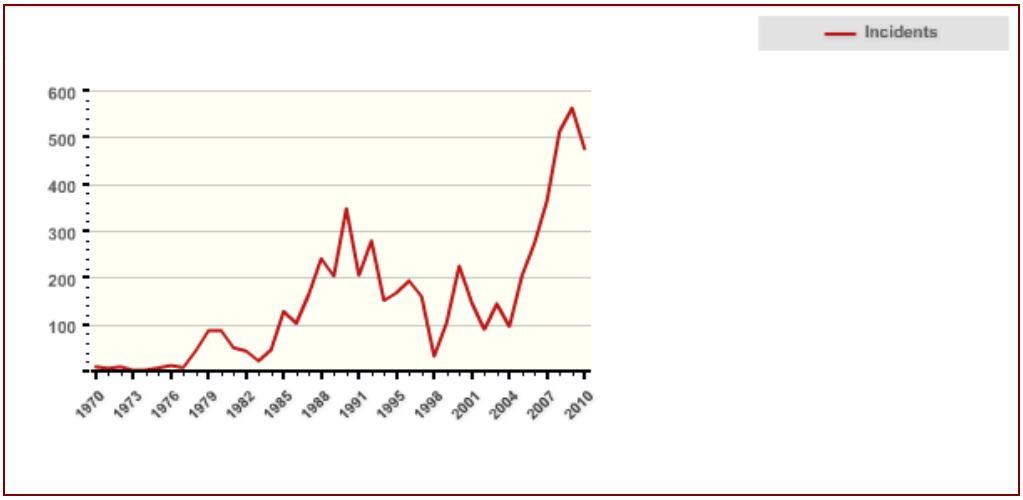
Lumpur in order to raise the level of cooperation, coordination and information sharing. [233]

The importance of cooperation and coordination of the relevant national institutions, especially among the police, the judiciary, customs and immigration agencies and other relevant bodies was then reiterated at the following Meeting in Bali. To this regard an important development was the adoption of the Agreement on Information Exchange and Establishment of Communication Procedures of 2002 - which obliges the parties to cooperate among themselves in preventing the utilization by anyone of their land-air-sea territories for the purpose of committing terrorism or other transnational criminal activities (money laundering, smuggling, piracy etc.). Additionally, the Vientiane Action Programme 2004-2010 announced an ASEAN Mutual Legal Assistance Agreement and an ASEAN Convention on Counter Terrorism, and the establishment of an ASEAN Extradition Treaty as envisaged by the 1976 Declaration of ASEAN Concord.

ASEAN is also carrying out training programmes and projects in counter terrorism in 2003, including on psychological operation/psychological warfare courses for law enforcement authorities and on intelligence procuring. Courses on bomb/explosive detection, post-blast investigation, airport security and passport/document security and inspection are also planned. In addition, ASEAN focal points on counter-terrorism have also been established.

233. ASEAN Secretariat, *Declaration on Terrorism by the Eight ASEAN Summit,* Phnom Penh, 3 November 2002. Available at ASEAN website http://www.aseansec.org/13154.htm.

FIGURE 4.4. TERRORIST INCIDENTS OVER TIME IN SOUTHEAST ASIA
Source: START Global Terrorism Database.



4.3.2. The harmonization of ASEAN norms on terrorism

Although terrorism is not seen as an action that is perpetrated by one country on the other and ASEAN members recognize terrorism as a major challenge for the stability of the whole region, cooperation on this issue is complicated by the different legal, judicial and police systems, which render the problem of harmonization a difficult task. In consequence a common legal framework for all ASEAN members was adopted only in 2007, even if the normative effort, which came out in the course of the last decade cannot be underestimated. In fact ASEAN collective position against terrorism has had a highly symbolic value, particularly due to the fact that ASEAN Declarations have served to facilitate and sanction counterterrorism efforts of national governments in the face of possible domestic political constraints.[234]

The major outcome for the harmonization of a common legal framework against terrorism is, nonetheless, the ASEAN Convention on Counterterrorism, adopted during the ASEAN Summit in January 2007. To enter into force the Convention requires the ratification of six ASEAN members. By depositing its ratification instrument with the Secretary-General of ASEAN on April 28, 2011 Brunei

234. Daljit Singh and Arabinda Acharya, "Regional Responses to Terrorism in Southeast Asia", in Daljit Singh, *Terrorism in South and Southeast Asian in the coming decade*. Singapore: Institute of Southeast Asian Studies, 2009, p. 170.

Darussalam became the sixth ASEAN member-state to ratify the ASEAN Convention on Counter-Terrorism (ACCT). The Convention has thus become a reality. The importance of the document is twofold. First, it represents a legally binding instrument for all ASEAN countries. Thus by making the mechanisms of regional cooperation more forcible, regional cooperation will be strongly enhanced.[235] Second, it significantly contributes to the harmonization of national laws on terrorism. Indeed, one of the major constraints to the realization of a consistent ASEAN policy against terrorism impinged upon the variety of national definitions of terrorism, which hampered any effective practical cooperation among ASEAN members.

By carrying out a common "understanding" of terrorism, according to 13 listed UN Treaties (art. 2) the ACTT thus provided the necessary ground on which ASEAN countries can cooperate to counter, prevent and suppress terrorism. The weaknesses of the document are, however numerous. Problems will likely come out when a member country has not signed all of the 13 listed UN Treaties so that in these cases the Convention cannot be applied. Additionally, an opt-out clause ensures that each member country can leave the Convention at any time, and that the Convention shall not apply *"where the offence is committed within a single Party, the alleged offender and the victims are nationals of that Party and the alleged offender is found in the territory of the Party* " (art. 5) nor when a party can establish its own jurisdiction under the offences covered in article 2 (art.7). Finally, art. 3 and art. 4 recall the preservation of the principles of sovereignty and non interference.

Despite this, the ACTT is a milestone for ASEAN history, which underlines the shift of the Association towards more effective policies of protection. Through the ACTT, ASEAN members are, indeed, for the first time legally bound to cooperate on a wide set of issues and introduce new measures to:

- *Prevent the commission of terrorist acts, including by the provision of early warning to the other Parties through the exchange of information;*

235. Interview with Arabinda Acharya, RSIS, Singapore, 15 July 2011.

- *Prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against the other Parties and/or the citizens of the other Parties;*
- *Prevent and suppress the financing of terrorist acts;*
- *Prevent the movement of terrorists or terrorist groups by effective border control and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;*
- *Promote capacity building including trainings and technical cooperation and the holding of regional meetings;*
- *Promote public awareness and participation in efforts to counter terrorism, as well as enhance interfaith and intrafaith dialogue and dialogue among civilisations;*
- *Enhance crossborder cooperation;*
- *Enhance intelligence exchange and sharing of information;*
- *Enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies;*
- *Strengthen capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism;*
- *Undertake research and development on measures to counter terrorism;*
- *Encourage the use of video conference or teleconference facilities for court proceedings, where appropriate;*
- *Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice.*
- *Subject to the consent of the Parties concerned, Parties shall cooperate to address the root causes of terrorism and conditions conducive to the spread of terrorism to prevent the perpetration of terrorist acts and the propagation of terrorist cells.*

Art. 6., *ASEAN Convention on Counter Terrorism*, Cebu, 2007.

Another two significant aspects of the document are the "fair treatment" and the presence of "rehabilitative programmes including the social reintegration of persons that have committed any terrorist act". Finally, art. 17, states that if the party in the territory in which the offender is present does not extradite the person it is obliged to submit him to the competent authorities for the purpose of prosecution and that the offences contained in article 2 shall be deemed to be included in a extradition treaty existing between the parties.

This is the strongest document that ASEAN could produce and highlights the progressive shift from the informality of the "ASEAN way" to the adoption of new formal mechanisms of cooperation. Undoubtedly the harmonization of ASEAN counterterrorism policy represents a success for the Association and given ASEAN nature it would probably be naive to think that ASEAN could have gone beyond this point.

FIGURE 4.5. STATUS OF RATIFICATION OF THE ASEAN CONVENTION ON COUNTERTERRORISM

ASEAN CONVENTION ON COUNTER TERRORISM, Cebu, Philippines 13 January 2007	
Cambodia	14 June 2010
Philippines	24 March 2010
Singapore	31 October 2007
Thailand	21 February 2008
Vietnam	30 January 2011
Brunei	28 April 2011

4.3.3. What is ASEAN's performance on combating terrorism?

Has ASEAN strengthened its performance in the fight against terrorism?

What has been illustrated so far indicates that since the Bali bombings in 2002 there has a growing regional consciousness that the terrorist threat has to be addressed with multilateral solutions. This does not, however, mean that ASEAN was capable putting into place a more structured response. The organization held a series of ministerial, senior official and other expert meetings to foster transnational cooperation, and amongst these the AMMTC played a crucial role.

ASEAN effort has, nonetheless, mostly concentrated on the definition of common norms and principles on counterterrorism aimed at harmonizing national counter-terrorism law, and on the establishment of a legally binding framework of cooperation. But divergent interests of member countries, different political and legal systems and diverse levels of state effectiveness as well as the loose structure of the institution and the defence of the principles of non interference rendered practical and operational counter terrorism cooperation a difficult task.

Nevertheless even if the Association was not able to put into place conflict management mechanisms it provided the umbrella under which its members could, individually or transnationally, address the problem.[236]

In the lack of an integrated approach, cooperation against terrorism has been thus mostly conducted at a bilateral/trilateral level or alternatively between ASEAN states and ASEAN outside partners.[237] Bilateral information exchange has expanded significantly. The most notable example has been the Trilateral Agreement between Indonesia, Malaysia and the Philippines on Information Exchange and Establishment of Communication Procedures to cooperate in combating terrorism and transnational crime, subsequently signed in 2003 by Brunei, Cambodia and Thailand. The agreement has provided for intelligence sharing, joint antiterrorism exercises and combined cooperation across the borderlands between Indonesia, Malaysia and the Philippines and Thailand. In some cases intelligence agencies have had some success in detaining key members of the Singaporean JI cell in Bangkok, Thailand and the Riau Islands of Indonesia. The successful latest manifestation of this cooperation was the arrest of JI members and the seizure of bombs and explosives by Indonesian security forces near Sumatra in 2008. [238] Another trilateral effort concerns the three littoral states of the Straits of Malacca - Indonesia, Malaysia and Singapore- enhancing security in the Straits through coordinated naval patrols.

Another important source of cooperation has come from the major dialogue partners. The ASEAN members and the United Stated signed a common Declaration for Cooperation in June 2002 and during the ASEAN-EU Ministerial Meeting of Brussels in June 2003 ASEAN and the EU issued a joint declaration to

236. Interview with Ralf Emmers, RSIS, Singapore, 11 July 2011.
237 Daljit Singh and Arabinda Acharya, "Regional Responses to Terrorism in Southeast Asia", cited, p. 170.
238. ibidem.

combat terrorism. The Association then also signed agreements with China on a wide spectrum of transnational challenges, and with Canada, New Zealand, Pakistan, Korea, Japan, and with the Russian Federation and India.

However, the major partners in the regional terrorist fight have been the US and Australia. Indonesia cooperated closely with the United States and Australia especially in terms of information sharing (for instance the Australian Federal Police had a key role in investigations into the first Bali bombing and helped to identify the perpetrators).[239] Due to their strong relations with the US, the Philippines rests on diverse frameworks of cooperation such as the US Joint Special Task Force, US Mutual Legal Assistance Treaty, the Antiterrorist Programme and various programmes including the U.S. Department of Justice/International Criminal Investigative Training Assistance Program and the U.S. Department of Homeland Security Immigration and Customs Enforcement, which have supported the Philippines' authorities in the operations against terrorist elements.[240] Furthermore a Joint US-Thai operation secured the arrest of the strategic coordinator of al Qaeda in Southeast Asia Riduan Hambali Isamudding in Bangkok in 2003.

Besides cooperation with dialogue partners, training Centers have sprung in the region to further support training capacities. The Southeast Asian Center for Counter terrorism (SAERCCT) has been established to facilitate the training of Malaysian officials, governments in the region and beyond and to build enforcement capacity. The Center for Law Enforcement Cooperation in Semarang (CLEC) was officially opened by the President of the Republic of Indonesia, Her Excellency Ibu Hj. Megawati Soekarnoputri in Semarang on 3 July 2004. The Center was intended to be a resource for the South East Asia region in the fight against transnational crime, with a focus on counter-terrorism and a source of coordination of a wide range of training programs, including seminars and

239. Daljit Singh and Arabinda Acharya, "Regional Responses to Terrorism in Southeast Asia", cited, p. 172.

240. This proactive partnership has yielded solid results in combating terrorism. For instance, two prominent Filipino fugitives indicted by the FBI were deported to the Philippines by Malaysia and Indonesia. The Filipino fugitive from Malaysia was extradited by the Philippines to the United States. The other Filipino fugitive from Indonesia arrived in the Philippines and was undergoing judicial proceedings for extradition to the United States. The government initially established its anti-money laundering/counterterrorist finance regime by passing the Anti-Money Laundering Act (AMLA) of 2001.

workshops. Finally, the International Center for Political Violence and Terrorism Research (ICPVTR) of Singapore conducts research, training, and outreach programs aimed at reducing the threat of politically motivated violence and at mitigating its effects on the international system.

However, all these forms of cooperation show that the Southeast Asian counter terrorism effort has been mostly conducted on a ad hoc basis and through domestic or bilateral/trilateral mechanisms. Therefore, at a practical level ASEAN capability to put into place joint actions appears virtually inexistent. This is however not surprising given the fact that as pointed out by Emmers ASEAN pursued a kind of bottom up approach. That is to say the Association's main goal was to develop a normative framework to justify counter terrorism action thus leaving individual countries to address these problems.[241] In so doing the organization was mostly intending to provide the venue, where all parties could meet and discuss at a bilateral and trilateral level, to develop interregional dialogue, reduce mutual suspicions, improve a regional climate suitable to cooperation and finally choose the most appropriate forms to tackle their security concerns according to their needs.[242]

241. Interview with Ralf Emmers, RSIS, Singapore, 11 July 2011.
242. ibidem.

FIGURE 4.6. SOUTHEAST ASIAN STATES AGREEMENT ON TERRORISM

TITLE OF AGREEMENT	PLACE AND DATE SIGNING	RATIFYNG COUNTRIES	ENTRY INTO FORCE
Memorandum of Understanding between the Association of Southeast Asian Nations (ASEAN) and the Government of the People's Republic of China on Cooperation in the Field of Non-traditional Security Issues	Siem Reap Cambodia 18 November 2009		
Joint Declaration of ASEAN Defence Ministers on Strengthening ASEAN defence Establishments to Meet the Challenges of Non-Traditional Security Threats	Chonbury Thailand 26 February 2009		
ASEAN Convention on Counter Terrorism (ACCT)	Cebu Philippines 13 January 2007	Cambodia 14 June 2010 Philippines 24 March 2010 Singapore 31 October 2007 Thailand- 21 February 2008 Vietnam30 January 2011	This Convention shall EIF on the 30th day following the date of the deposit of the 6th IoR or approval with the Secretary-General of ASEAN in respect of those Parties that have submitted their IoR or approval.
ASEAN-Canada Joint Declaration for Cooperation to Combat International Terrorism	Kuala Lumpur Malaysia 28 July 2006		no ratification required
Framework Document for the Plan of Action to Implement the ASEAN-U.S. Enhanced Partnership	Kuala Lumpur Malaysia 28 July 2006		

Coordination Agreement on Technical Assistance and Training to Combat Money Laundering and Terrorist Financing	Jakarta Indonesia 8 July 2005	no ratification required	8 July 1995
ASEAN-New Zealand Joint Declaration for Cooperation to Combat International Terrorism	Vientiane Lao PDR 29 July 2005		
ASEAN-Pakistan Joint Declaration for Cooperation to Combat International Terrorism	Vientiane Lao PDR 29 July 2005		
ASEAN-Republic of Korea Joint Declaration for Cooperation to Combat International Terrorism	Vientiane Lao PDR 27 July 2005		
ASEAN - Japan Joint Declaration for Cooperation to Combat International Terrorism	Vientiane, Lao PDR 30 November 2004		
ASEAN-Russian Federation Joint Declaration for Cooperation to Combat International Terrorism	Jakarta, Indonesia, 2 July 2004		
ASEAN-Australia Joint Declaration for Cooperation to Combat International Terrorism	Jakarta, Indonesia, 1 July 2004		
ASEAN – India Joint Declaration for Cooperation to Combat International Terrorism	Bali, 08 October 2003		

4.4.4. ASEAN's new normative framework to tackle Disaster Management

Climate change and disaster management are increasingly becoming two of the most important key areas of ASEAN regional cooperation. It is difficult to ignore the pressure coming from unpredictable sources of threats (floods, earthquakes, droughts) in terms of losses of people and economic widespread damage (figure 4.7. and 4.8.). A related consequence is large scale emigration and mass movements of refugees, which might also trigger tensions within ASEAN but also with other neighbouring states, particularly India and China. The need for ASEAN to strengthen cooperation in this policy arena has thus become imperative. In truth ASEAN's ambition to improve mutual assistance on natural disasters and calamities was already enunciated with the adoption, in 1976, of the first ASEAN Declaration on Mutual Assistance on Natural Disasters, which was mostly aimed at improving communication channels, and exchanging information and data pertaining to natural disasters.[243] The Declaration also called for greater assistance in cases of calamities amongst ASEAN members upon the request of the affected country.[244] However, despite its importance, it remained a declaratory document, which has not achieved significant follow up.

It is indeed only against the backdrop of emerging catastrophes that disaster management turned into a key area of interest for ASEAN. Significant steps aimed at reinforcing regional cooperation on disaster management date, therefore, back only to the last ten years and have seen the introduction of new important institutional innovations.

Particularly, the ASEAN Committee on Disaster Management (ACDM) was established in 2003 following the decision of the ASEAN Standing Committee. It consists of heads of national agencies responsible for disaster management of ASEAN member countries and that assume the responsibility for coordinating and implementing all regional activities within this field.

243. ASEAN Secretariat, *ASEAN Declaration on Mutual Assistance on Natural Disasters,* Manila, 26 June 1976. Available at ASEAN website: http://www.asean.org/17455.htm.
244. ibidem.

The dramatic events of the Indian Ocean tsunami accelerated the activity of the ACDM, so that already in May 2004 the Regional Programme on Disaster Management (ARPDM) was launched to provide a framework of concerted regional cooperation for the period 2004 -2010.[245] The Programme outlines the regional strategy on disaster management prevention, its priority areas and activities. More specifically, the Programmes consists of two types of activities: 1) regional activities covering cross boundary issues and involving inter-country collaboration; 2) regional activities in support of national activities. The ARPDM is also used as a platform for cooperation and collaboration with ASEAN Dialogue Partners and international organizations such as the United States Department of Agriculture Forest Service, the Pacific Disaster Centre, the UN Office for Coordinating Humanitarian Affairs (OCHA), the UN High Commissioner for Refugees (UNHCR), UNICEF, International Federation of the Red Cross (IFRC), Asian Disaster Preparedness Centre (ADPC) etc.

One of the priority projects under the ARDPM was the Establishment of an ASEAN Regional Disaster Management Framework to develop an agreement on disaster emergency response, procedures to operationalize the disaster response mechanism and to enhance a quick response team of Member countries as well as to conduct simulation exercises. The importance of strengthening these measures was also reiterated during the Special ASEAN's leaders Meeting in the immediate aftermath of an earthquake and tsunami in 2004, held on the 6 January 2005, which led to the adoption of the Declaration on Action to Strengthen Emergency, Relief, Rehabilitation and Reconstruction. The Declaration distinguished three phases of action in the fields of emergency relief, rehabilitation and reconstruction, prevention and mitigation.[246]

In the area of emergency relief ASEAN members agreed to: urgently mobilize additional resources to meet emergency relief, to request the UN and the international Community to support the national relief emergency programs in the affected countries, to strengthen cooperation and coordination of the national,

245. ASEAN Secretariat, *The ASEAN Regional Programme on Disaster Management*. Available at ASEAN website: http://www.asean.org/18455.htm.

246. ASEAN Secretariat, *Declaration on Action to Strengthen Emergency, Relief, Rehabilitation and Reconstruction,* Special ASEAN Leaders Meeting on the aftermath of Earthquake and Tsunami, Jakarta, 6 January 2005. Available at ASEAN website: http://www.asean.org/17066.htm

regional and international relief effort, to support the effective channelling and utilization of assistance. They also emphasized the importance of national rehabilitation and reconstruction programs, they called upon the international community, donor countries and financial institutions to provide the necessary funds, to establish a regional partnership to support the national programs of the affected countries, welcome the initiatives for a moratorium of payments of the external debt and promote and encourage private sector participation. Finally, regarding prevention and mitigation, the Declaration calls for support for ASEAN's various agreed initiatives and ongoing programmes, the development of regional instruments for disaster management and emergency response, the establishment of tsunami early warning systems for the Indian Ocean and the Southeast Asian region and the implementation of other preventive measures in the field of education and awareness and capacity building.

The ensemble of these measures and notably, the way in which ASEAN members defined precise targets and measures to adopt illustrate that, contrary to other policies, cooperation within disaster management will be more cooperative rather than competitive. ASEAN internal consensus led in fact to the immediate adoption of the *ASEAN Agreement on Disaster Management and Emergency Response* (AADMER), already in 2005, which provides the necessary normative basis for activities within this field.[247] Under this framework which came into force on the 24 December 2009, ASEAN members are committed to take a more proactive stance to "*reduce disaster losses in the social, economic and environmental assets of the parties and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international cooperation*" (Art 2. AADMER).

To this end the parties have to undertake a number of actions:

- draw up a set of procedures for providing relief and recovery in the aftermath of a disaster;
- set up early warning systems;
- develop strategies to identify, prevent and reduce risks;
- cooperate on technology and scientific research.

247. ASEAN Secretariat, *ASEAN Agreement on Disaster Management and Emergency Response*, Vientiane, 26 July, 2005. Available at ASEAN website http://www.asean.org/17579.htm.

FIGURE 4.7. TOTAL NUMBER OF TOTAL AFFECTED BY COUNTRY
AND BY DISASTER TYPE
Source: "EM-DAT: The OFDA/CRED International Disaster Database
www.emdat.be - Université Catholique de Louvain - Brussels - Belgium

	Cambodia	Indonesia	Lao P Dem Rep	Malaysia	Myanmar	Philippines	Singapore	Thailand	Timor-Leste	Viet Nam	Total
Drought	1550000	15000	0	0	0	0	0	15000000	0	1710000	18275000
Earthquake (seismic activity)	0	7774011	0	5063	15700	73843	0	67007	0	0	7935624
Epidemic	21368	96340	9685	991	0	774	2227	1965	336	200	133886
Flood	6644235	3396809	1257190	413564	230414	4136171	0	13031575	4505	10996304	40110767
Mass movement dry	0	0	0	0	0	0	0	0	0	0	0
Mass movement wet	0	332328	0	0	1367	240527	0	33110	0	40	607372
Storm	178091	3715	128887	41655	2505106	43165371	0	90123	8730	8207385	54329063
Volcano	0	117445	0	0	0	256669	0	0	0	0	374114
Wildfire	0	400	0	0	0	0	0	0	0	0	400
Total	8393694	11736048	1395762	461273	2752587	47873355	2227	28223780	13571	20913929	121766226

FIGURE 4.8. TOTAL NUMBER OF DAMAGE IN US$ BY COUNTRY AND DISASTER TYPE
Source: "EM-DAT: The OFDA/CRED International Disaster Database
www.emdat.be - Université Catholique de Louvain - Brussels - Belgium"

	Cambodia	Indonesia	Lao P	Malaysia	Myanmar	Philippi	Singapore	Thailand	Timor	Vietnam	Total
Drought	38000	1000	0	0	0	453	0	422300	0	242120	703873
Earthquake (seismic activity)	0	10828600	0	500000	500000	1804	0	1000000	0	0	12830404
Epidemic	0	0	0	0	0	0	0	0	0	0	0
Flood	176100	1614633	1000	1001000	0	104085	0	657067	0	1886800	5440685
Mass movement dry	0	0	0	0	0	0	0	0	0	0	0
Mass movement wet	0	115004	0	0	0	9203	0	0	0	0	124207
Storm	0	0	100000	0	4000688	2087692	0	22246	0	2926285	9136911
Volcano	0	0	0	0	0	4794	0	0	0	0	4794
Wildfire	0	14000	0	0	0	0	0	0	0	0	14000
Total	214100	12573237	101000	1501000	4500688	2208031	0	2101613	0	5055205	28254874

The Agreement also established an ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Center) charged with coordinating emergency responses offered by ASEAN parties in cases of disasters, and set shared objectives to strengthen national capacities and foster regional projects to improve ASEAN capacity, improving risk identification and monitoring. The AADMER has also required the preparation of a Standard Operating Procedure that shall guide the actions of parties and the AHA Centre in: 1) implementing the regional arrangements for disaster relief and emergency response; 2) the utilisation of military and civilian personnel; 3) the coordination of disaster relief and emergency response. This Standard Operating Procedure was adopted in March 2008 and provides a guide to initiate the establishment of the *ASEAN Standby Arrangement for Disaster Relief and Emergency* (SASOP); the procedures for joint disaster relief and emergency response operations; the procedures for the facilitation and utilisation of military and civilian assets and capacities and the methodology for the periodic conduct of the ASEAN regional emergency response simulation exercises (ARDEX) to enhance member countries capabilities in joint disaster relief and emergency responses.[248]

Finally, it is worth noting that for a more united and coordinated response within the region ASEAN is working in synergy with civil society actors. Indeed as recalled in the principle n. 6 of the AADMER "*The Parties, in addressing disaster risks, shall involve, as appropriate, all stakeholders including local communities, non-governmental organisations and private enterprises, utilising, among others, community-based disaster preparedness and early response approaches"*.

248. In 2005 ASEAN already organized the first regional disaster emergency response simulation exercise (named ARDEX-05) deigned to test the capability of Malaysia, Singapore and Brunei after a earthwake in peninsular Malaysia. Since then other simulation exercises took place in the territories of ASEAN members: ARDEX 6 in Cambodia, ARDEX 7 in Singapore, ARDEX 8 in Thailand, ARDEX 9 in the Philippines and ARDEX 10 in Indonesia. Within ARDEX the ASEAN Emergency Rapid Assessment Team (ERAT) was created to provide a pool of trained and rapidly deployable people that was used in the aftermath of Cyclone Nargis in Myanmar.

4.4.5. Has ASEAN improved its intra-mural capability in responding to natural disasters? A focus into the Cyclone Nargis

On the 2 and 3 of May 2008 the tropical cyclone Nargis hit Myanmar's Yangon and Ayeyarwady, provoking massive large scale loss of life and devastation. ASEAN was confronted with the opportunity to put into place the mechanisms set under the AADMER and work towards the realization of the ASEAN Charter. To what extent has been the Association capable of providing relief and humanitarian assistance to the region?

Surprisingly, the case of Nargis shows the readiness of Southeast Asian countries to provide regional assistance and for their populations and the centrality of ASEAN as a "diplomatic" forum to bridge the government of Myanmar and the international community aid. When the cyclone hit the region the military government of Myanmar was reluctant to accept foreign aid from external countries, such as the US and the EU, due to the long lasting sanctions on the country and the fear of letting international observers enter Myanmar's borders. Numerous restrictions imposed an external aid hampered the relief operation.

In this context, ASEAN played a fundamental role in overcoming these suspicions and building a climate of trust. Under the Leadership of the Secretary General Surin Pitsuwan the Association was able to provide immediate aid to the victims of the Cyclone Nargis. To this end the ASEAN Secretary General also sought to mobilise resources through the ASEAN Cooperation Fund for Disaster Assistance, an emergency humanitarian relief fund created by the ASEAN Secretariat in Jakarta on 8 May 2008. Furthermore, a week after the cyclone, an ASEAN Emergency Rapid Assessment Team (ERAT) coordinated by the ACDM was dispatched to assess critical needs. [249] More significantly, the ASEAN Foreign Ministers agreed on an ASEAN Task force (AHTF) for the victims of the cyclone Nargis, which had to provide policy decisions and define the prerogatives and targets for the implementation of the initiative. The first result of this new

249. ASEAN Secretariat, *A Bridge to recovery: ASEAN's response to the Cyclone Nargis,* Jakarta: ASEAN Secretariat, July 2009.

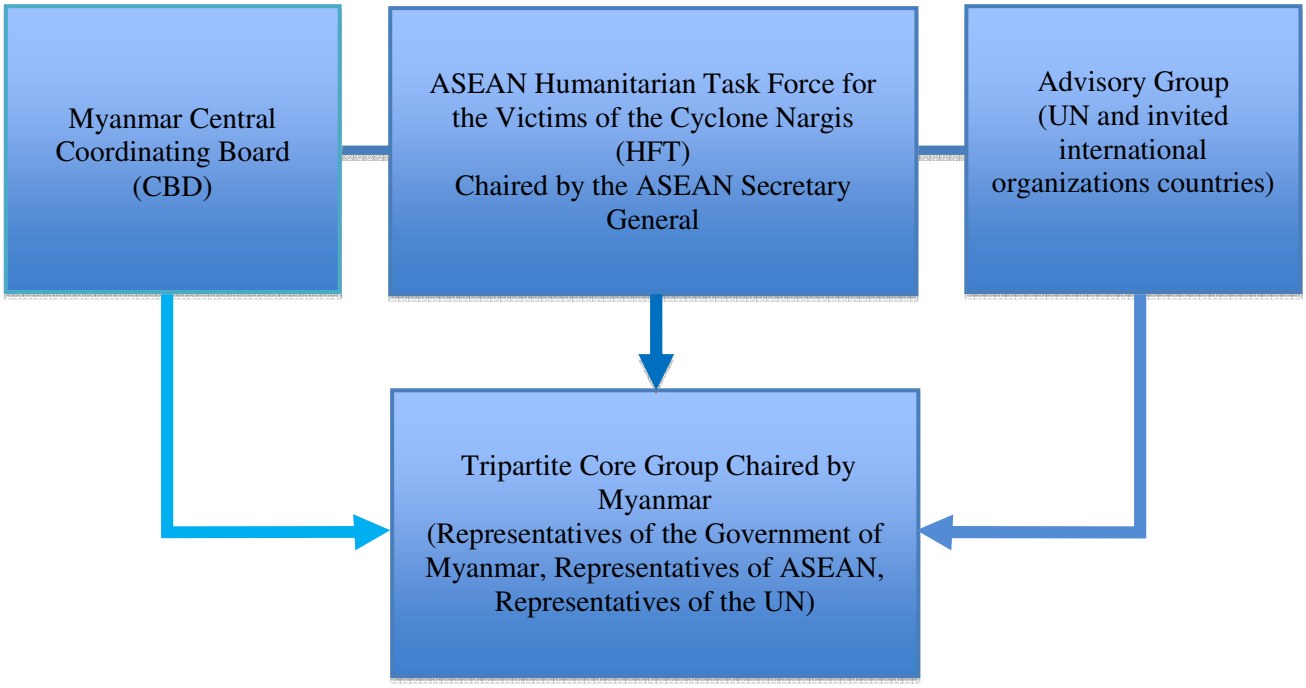
approach was ASEAN/UN pledging conference in Yangon on 25 May.[250] The Conference set up a Yangon based Tripartite Core Group (TCG) under the AHFT, comprising Nine Representatives of the Governments, ASEAN and the UN, to coordinate, facilitate and monitor the flow of international assistance. The TCG offered a mechanism through which visas were quickly processed for UN officials and foreign aid workers; it assisted the entry and deployment of helicopters; and facilitated the collection of data from affected areas.

The case of Nargis shows, therefore, ASEAN's increasing capacity to put into place a collective response to a major disaster to provide for the internal security of its community. For the first time, in fact, the mechanisms and tools under the AADMER were tested and used in a real situations. Civil society participated actively in the fields of planning and executions, operational support, assessment team and peer review. The ASEAN Volunteers Programme, first launched during the Cyclone also cooperated with local and international NGOs that trained the volunteers, set the proposals and planned the activities.

But above all, ASEAN role was crucial in building trust and removing the obstacles to deliver humanitarian assistance. Only when ASEAN stepped in and agreed to act as a bridge between Myanmar's military junta and the international community were compromises forged, which allowed a larger international relief and recovery operation to get underway. The disaster Nargis thus left an important legacy that is the spirit of partnership that characterized the post Nargis effort, with ASEAN taking the central coordinating role.

250. International Crisis Group, *Burma After Nargis: Time to Normalise Aid Relations,* Asia Report, International Crisis Group, no. 161, 20 October 2008, p. 9.

FIGURE 4.9. THE ASEAN LED COORDINATING MECHANISM



4.5. Conclusion

The forgoing discussion has attempted to show how the ASEAN security agenda has evolved over time and how the ASEAN RSP is taking up new responsibilities to provide for the internal security of its members. In highlighting the mechanisms that ASEAN has developed to face the terrorist challenge and large scale disasters, it has been shown that ASEAN has mostly been reactive. That is to say the new initiatives developed by ASEAN are not the result of a grand design but have been driven by external events and growing threats perceptions. In this new context the *responsibility to provide* has founded a certain resonance and has started to be accepted by regional stakeholders. Yet, in issues like terrorism ASEAN's best effort is confined to the attempt of harmonize the norms of its members to better pursue regional cooperation. In disaster management, instead, the prospect for strengthening ASEAN's operational capability appear to be higher as states' behaviours seem to be more cooperative than competitive. Regional cooperation remains severely constrained by the lack of resources and differences in regional capacities. The building of new regional capabilities, instruments and modalities to provide forms of assistance in response to transnational challenges affecting people and societies, reveal, nonetheless, that Southeast countries are oriented towards enabling the Association with new tasks to collectively provide for their population. In fact, despite their differences both the terrorist and disaster management case show that the region is not averse to an ethic responsible sovereignty,[251] which is triggering a more flexible interpretation of the principles of non interference and national sovereignty. In this sense it appears that ASEAN states increasingly recognize that the Association may exercise an important role in crafting regional cooperation and define, embryonic common internal security strategies, particularly with respect to those challenges that know no borders and inevitably produce negative externalities to the entire regional community.

251. See Seng Tang, "Providers Not Protectors, Institutionalizing Responsible Sovereignty in Southeast Asia". Copy received from the author, forthcoming on *Asian Security*, vol. 7, no. 1, 2011.

CHAPTER 5

CONCLUSION: AN ASSESSMENT OF THE ASEAN RSP. ACHIEVEMENTS AND CHALLENGES

From its inception ASEAN has served to provide a stable structure of relations for managing interstate tensions, and containing the variety of challenges to the sovereignty and territorial integrity of several Southeast Asian states, most of which emanated from within the region. Thus the common glue that brought Southeast Asian leaders to form ASEAN lay in the attempt to govern fragile states providing a set of mechanisms that allowed the governing of regional affairs, the reduction of violence and the enhancement of regional stability. Under these auspices ASEAN provided the proper framework to reinforce and consolidate security to the still young Southeast Asian states. Through the definition of shared norms for the management of security and the building of a wide set of structures ASEAN developed its security profile, which can theoretically be better located under the lens of the RSP.

As we have seen in the preceding chapters, the building of the ASEAN RSP has mostly been based on the approaches determined by the "ASEAN way", which gave emphasis to consensus based, informal decision-making, non interference and respect for national sovereignty. The stimulus to economic growth and economic cooperation were the other effective tools that, in addition to the exercise of norm building, helped to shape regional cooperation, promote trust and habits of dialogue to support the "prevention" of regional conflicts.

In the last two decades, however, the ASEAN RSP has expanded its scope and its security tasks. Particularly, the new multifaceted nature of security threats determined a shift in regional mechanisms and norms as well as the strengthening of the ASEAN security policy in areas which traditionally belonged to the domain of national states. ASEAN thus started to exert a more proactive role in the arena of "protection", developing new normative instruments and new capabilities to face current challenges. Notably, in the case study on disaster management we have seen that ASEAN, has made considerable progress towards harmonizing regional norms and even put into place operative mechanisms to respond to

natural disasters. Inversely, although ASEAN has made good progress in harmonizing counter terrorism, the pace for implementing measures for common responses to threats concerning sensitive issues to its members, remains rather problematic.

Equally problematic is the path toward the development of adequate conflict resolution capabilities. The region is still plagued by sources of internal conflicts that originate in the friction between the territorial boundaries of the modern nation states and the ethnic compositions of their populations as well as by the struggle for regime survival and political change against authoritarian regime. Furthermore, even if traditional modalities of conflict prevention and management have helped to dilute the perils of interstate militarized battle death conflicts, these approaches have proved their weakness in putting to an end to reasons for rivalries through adequate conflict resolution mechanisms. This is shown by the ongoing border dispute between Thailand and Cambodia, which does not inspire confidence, and by the persistent rivalries between Malaysia, Singapore, Thailand, Burma and Malaysia and Thailand. Then, the limit of ASEAN mechanisms is displayed by the military flashpoint in the South China dispute, which is an uncomfortable reminder that ASEAN's traditional practice of "sweeping conflicts under the carpet" does not always work.

In conclusion, the present and future role of the ASEAN RSP will remain contingent upon the member states' capacity to build and improve stronger internal cohesion to overcome their major problem of "domestic governance", necessary to push ASEAN towards a greater effectiveness, and to implement all the mechanisms, which would serve to strengthen ASEAN's role as a security actor. Amongst these: the High Council and the other ASEAN mechanisms to assure states' compliance to ASEAN rules, such as the "good office" mechanisms of the Secretary General and of the ASEAN Chair. Furthermore, a major ASEAN challenge rests on its ability to achieve a new profile in other SG fields, particularly within the arena "*assurance"*, which demands the development of new capabilities to respond to regional crises. Precondition to these new capabilities, is, however, a consensual willingness of ASEAN members to subcontract to the Association policies that go beyond the practise of institution building and enter into the field of resolution.

5.1. How well has the ASEAN RSP performed to build regional security?

After having detailed ASEAN security tasks, how can we, overall, assess the performance of the ASEAN RSP in creating regional security? What it has emerged from the proceeding chapters is that even if ASEAN remains dependent upon the acquiescence of its members in formulating and executing its security policy, it can claim a security role in the Southeast Asian region. In particular, ASEAN's importance can be confined to the security tasks of prevention and protection. Prevention has dominated the Southeast Asian security agenda since ASEAN was formed and was mostly motivated by the need to internally stabilize the region. "*It was intended not as an ambitious project, but in a very narrow sense, essentially founded on the diplomatic prevention, rooted on the principles of the ASEAN way*".[252] In the last decade this security policy has made an important movement with the construction of the ASC and the adoption of the ASEAN Charter, which embodied new mechanisms to assure compliance with ASEAN principles. Conversely, policies in the sphere of protection, which have led Southeast Asian states to work with one another to develop new *modus operanda* to face non-traditional concerns, are more recent. Finally, while the dimension of compellence is absent from the ASEAN CSS, the potential for ASEAN's involvement in assurance still impinges upon the resistance of ASEAN members to pool their national prerogatives to the Association despite the recent normative efforts to equip it with peace building capabilities. In consequence, it would be inappropriate to talk of an ASEAN policy in the arena of capacity building (figure 5.1).

252. Personal Interview with See Seng Tan, Singapore, RSIS,12 July 2011.

FIGURE 5.1. ASEAN RSP SECURITY POLICIES

Functions	*Security Tasks*	*Rationale*	*Main Principles of Action*	*Effectiveness*
Institution Building	**Prevention**	Interstate Conflicts Domestic Troubles linked to the task of nation building Fear of potential spread of communist insurgencies Economic Downturn and decrease of foreign investment	Treaty of Amity and Cooperation Declaration of Bali ASC Plan of Action ASEAN Security Blueprint ASEAN Charter	✓
	Protection	External Threats	Declaration of Bali ASEAN Security Blueprint ASEAN Socio Cultural Blueprint ASEAN Charter	✓
Conflict Resolution	**Assurance**		Declaration of Bali ASC Plan of Action ASEAN Security Blueprint	✗
	Compellence			✗

Against this background the ensemble of security policies that throughout its history the Association performed, though to a different extent, reveals the centrality of processes centred on institution building rather than on resolution and crisis management capacities. Today, the lack of these capacities appear to be one of the major limits of the ASEAN RSP. Indeed, in the above discussion using the yardsticks of militarized interstate conflicts contained in the PRIO dataset, and the three case studies on intramural, domestic and extra mural conflicts, we have observed that the passive approach to conflict avoidance and the strict adherence to non interference constitute an inherent weakness in providing for long-lasting solutions to interstate conflicts thus impeding the realization of a full process of pacification in the Southeast Asian region. Then, paraphrasing Ba *"ASEAN's primary value is not as a conflict resolver, but as a relationship facilitator and*

convener.[253]" Therefore while, on one hand, ASEAN can claim success as a venue to help discussions and facilitate processes of institution building and economic cooperation, which have been of a great importance to improving regional trust, confidence building and contain to a certain level existing disputes, on the other, its approaches have proved to be inadequate to solve conflicts. The shortcomings of its instruments is both shown by the Thailand-Cambodia border dispute and by the South China Sea dispute. And in particular, regarding the extra-mural dispute with China, one has to bear in mind that the DOC of the Parties, which was intended to rule the behaviour of the claiming states, has so far not reached a significant follow up, with the consequence that none of the main agreements has been implemented.[254]

Even weaker remains ASEAN's contribution in domestic conflicts. These disputes are nowadays a major source of concern due to their negative spillover effects impacting the region and the pressure coming from major ASEAN external partners such as the EU and the US. The ability to find regional solutions will be the *litmus test à venir* for ASEAN capability as a significant regional player. No wonder, therefore, that even the strong believers in the ASEAN security community project, such as Acharya, argue that "*ASEAN' practise of sweeping conflicts under the carpet is no longer adequate by itself. As with domestic conflicts and terrorism, at least some interstate and regional conflicts require a solution of their root causes in order to be removed permanently as barriers to stability and cooperation. ASEAN should thus embrace the challenge of conflict resolution as well as preventive diplomacy*"[255]

Certainly, the difficulties putting into place more effective tools, which would entail ASEAN with more autonomy, find their roots in the intergovernamental nature of the institution, whose policies depend on the national actors' willingness to enable the organization to a certain action. To this regard, the internal diversity of ASEAN members and the diverse security cultures hamper the strengthening of the organization. In recent years, for instance, the ASEAN Charter attempted to

253. Alice Ba, "Regional Security in East Asia: ASEAN's Value Added and Limitations", cited.

254 Personal interview with Ian Storey, Singapore, ISEAS, 22 July 2011.

255. Amitav Acharya, *ASEAN 2030: Challenges of Building a Mature Political and Security Community,* Paper Prepared for the Conference on "ASEAN 2030: Growing Together for Shared Prosperity", Organized by the Asian Development Bank Institute, 11-12 July 2011, Yogyakarta, Indonesia.

improve ASEAN's ability to coordinate states' positions and policy in order to better respond to pressing common problems and better defend states' preferences and centrality vis-à-vis larger actors.[256] Nevertheless, the strong internal divide within ASEAN has impeded the implementation of the new dispute settlement mechanisms, which would entitle ASEAN with new capabilities in the arena of conflict solution. Whether, in fact, Indonesia is in favour of a greater responsibility for implementation and is supporting the enhancement of the role of ASEAN Chair to provide for good offices and mediation, newer ASEAN members are reluctant to pool their prerogatives to the Association.[257] Then, the inability of ASEAN members to go beyond bilateral solutions is displayed by the recent talks on the South China Sea dispute when the claiming states have proposed to meet outside the ASEAN framework to reach an agreement to propose to the Association.[258] Similarly, the Thailand-Cambodia dispute reveals the unwillingness of both Thailand and Cambodia to delegate to the regional level the solution to their quarrel.

The internal divide risks also to hamper the aspiration of the ASEAN Charter to "*strengthen democracy, enhance good governance and the rule of law and to promote and protect human rights and fundamental freedoms*"[259] Diverse interpretations of these principles hamper, indeed, the development of practical cooperation on this terrain. Indonesia, which is consolidating its transition to democracy, is pushing for a new more proactive role in the field of democracy and human rights, but other countries, which own other internal political conditions, do not feel comfortable enough on this terrain.[260] Thus the risk that the new ASEAN principles might remain vain rhetoric has not to be underestimated. The cautious approach to the Myanmar issue when ASEAN foreign ministers, expressed their revulsion after the monk-led public demonstration of 2007 and supported efforts to foster national reconciliation and a peaceful transition for democracy, displayed that "*such level of self-abnegation was not sustainable*

256. Alice Ba, "Regional Security in East Asia: ASEAN's Value Added and Limitations", cited.
257. Personal interview with Dr. Termsak Chalermpalanupap, Director of the ASEAN Political and Security Community, Jakarta, ASEAN Secretariat, 27 July 2011.
258. ibidem.
259 ASEAN Secretariat, *The ASEAN Charter,* art. 7, cited.
260. Personal Interview with Ralf Emmers, Singapore, RSIS, 11 July 2011.

option for the grouping under all circumstances."[261] In fact, soon after the Cyclone Nargis the regional group mediated between the SPDC and the UN.[262] Similarly, ASEAN's inability to respond to human rights violations was put into evidence during the Timor Leste crisis.[263]

Inversely, to the task of prevention, ASEAN new ascending role in the arena of NTS challenges appears more promising. Through the diachronic analysis conducted on the AMMJC we have observed a linkage between the emergence of new threats and the change of the ASEAN security agenda. But, more importantly by using the yardsticks of norms harmonization and capability to take joint action in the two case studies on terrorism and disaster management, it was empirically uncovered that under the pressure of external threats the Association improved its capability. ASEAN's role inspires particular optimism in the field of disaster management. This is not surprising given the impotence of national actors to tackle alone unpredicted threats, whose nature underpins the demand for greater regional cooperation. Conversely, diverse political and legal systems, national habits and the persistent expectations that national actors should provide for security complicate cooperation in tackling transnational terrorism. Nevertheless, the harmonization of ASEAN norms with the entry into force of the ASEAN Convention on Counterterrorism opens up new possibilities even in this "sensitive" security domain.

In sum, ASEAN's overall performance in the arena of protection suggests that when domestic interests are less touched and common sources of insecurity are equally shared and have not a intra-mural origin, but on the contrary, are externally driven, the prospects for regional cooperation are higher. Alternatively we could also argue that when the sources of insecurity come from "inside", and are related to domestic interests, such as territorial or maritime issues, involving just a few states, regional cooperation more easily falls under national claims. To sum up, the governments of Southeast Asia have put into place their own cooperation process with the goal of building their common security. The tension

261. Jürgen Haacke, "The Myanmar Imbroglio and ASEAN: Heading Towards the 2010 elections", *International Affairs*, vol. 86, no. 1, 2010, pp. 153-174.
262. ibidem.
263. Mely Caballero-Anthony and Holly Haywood, *Defining ASEAN's role in peace operations: Helping to bring Peacebuilding "upstream"?,* Civil Military Working Paper, 3/2010, Asia Pacific Civil Military Centre for Excellence, 2011.

between the intergovernamental nature of the institution, and sovereignty prerogatives remains the most critical issue of the ASEAN RSP. For four decades ASEAN has depended on the traditional mechanisms of the "ASEAN way", which have provided the organization a more flexible room for manoeuvre to govern the behaviour of member states without discontenting them. The recent challenges have shown that this practise is no longer effective. It is, in fact, increasingly recognized that in the absence of stronger institutions and the lack of enforcement mechanisms, ASEAN's effectiveness remains in doubt. Against this background, if ASEAN wants to keep its regional centrality, the obstacles of domestic governance, leadership, implementation and compliance need to be overcome.

5.2. Will ASEAN engage in the arena of assurance?

Assurance is defined as the capability to pursue peace-building and disseminate suitable norms to create regional stability. Generally peace-building measures come into play in the period immediately following the cessation of hostilities. Indeed, it is in the fragile post-conflict environment, particularly when hostilities have ended but when the order is still elusive, that the chances of creating a more peaceful environment can be advanced. While the EU has centred its assurance building policies on the construction of civic institutions, of civic societies and the creation for the conditions of more peaceful regional environment, "*the respect for independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member states*"[264] hampered ASEAN direct involvement in peace-building operations, although a number of ASEAN states (Thailand, Malaysia, Indonesia and the Philippines) supported the Australian led peace-keeping operation in Timor and, in 2005, other ASEAN members (notably, Singapore, Malaysia, the Philippines, Thailand and Brunei) participates in a EU-led civilian mission in Aceh.

The institutional restructuring that is currently underway shows, nonetheless, new modalities for addressing security challenges at a regional level. In particular, the ASC reflects a substantive reshaping of ASEAN's role regarding the

264. ASEAN Secretariat, *The ASEAN Charter*, art. 2. 2a., cited.

maintenance of peace and security, and includes new approaches for post- conflict peace building. With the ASC Plan of Action ASEAN includes this component and commits to build the appropriate mechanisms for a sustainable peace in post conflict areas:

Post-conflict peace building seeks to create the conditions necessary for a sustainable peace in conflict-torn areas and to prevent the resurgence of conflict. It is a process involving broad-based inter-agency cooperation and coordination across a wide range of issues. ASEAN activities related to post-conflict peace building shall include the establishment of appropriate mechanisms and mobilisation of resources. As an ASEAN family, members should assist each other in post-conflict peace building efforts, such as humanitarian relief assistance, reconstruction and rehabilitation.

ASEAN Security Community Plan of Action

Soon after, in the ASEAN Security Blueprint, ASEAN also committed to address the issues of humanitarian relief assistance, reconstruction and rehabilitation in order to:

(a) ensure the complete discontinuity of conflicts and violence and/or man-made disasters in affected areas;
(b) facilitate the return of peace and/or normalisation of life as early as possible; and
(c) lay the ground for reconciliation and all other necessary measures to secure peace and stability, thus preventing the affected areas from falling again to conflicts in the future.

ASEAN Political Security Blueprint, Jakarta: ASEAN Secretariat, 2009, p.11.

In particular, to achieve these goals, specific policy directions were established to create a truly ASEAN arrangement for the maintenance of peace and stability (see figure 5.2.) in post conflict areas.

FIGURE 5.2. THE ASEAN SECURITY BLUEPRINT AND THE MECHANIMS FOR POST-CONFLICT PEACE BUILDING

B.3.1. Strengthen ASEAN humanitarian assistance/ Actions
Provide basic services or assistance to bring relief to victims of conflict in consultation with the receiving state; Promote cooperation for orderly repatriation of refugees/displaced persons and resettlement of internally displaced persons; Promote the safety of the humanitarian relief assistance workers; Develop common operating procedures for the provision of humanitarian assistance in the event of conflict; Intensify cooperation with the United Nations and promote the role and contributions of relevant international organisations on humanitarian assistance; Promote civil-military dialogue and coordination in humanitarian assistance; and Expand the role and contribution of women in "eld-based humanitarian operations.
B.3.2 Implement human resources development and capacity building programmes in post-conflict areas/ Actions
Identify priority training topics; Design training programmes in the identified priority topics and development of training materials; Implement annual programmes in each target area; Develop cooperation programmes with relevant external parties and "financial institutions to promote Human Resources Development and capacity building in post-conflict reconstruction and peace building; and Work towards the development of a systematic training programme for formal and community educators in the "eld of peace education and reconciliation, which can be conceptualised and implemented.
B.3. Increase cooperation in reconciliation and further strengthen peace-oriented values/ Actions
Undertake studies to increase cooperation in reconciliation and further strengthen peace-oriented values; reconstruction and rehabilitation including the encouragement of comprehensive input of academia, media, non-governmental organisations, civil society and community groups; and Promote inter-communal understanding through exchange activities.

Overall these measures suggest ASEAN aspiration to develop a greater capacity in the field of peace-building operations. Particularly, "*they emphasize a more proactive approach to regional security, but also suggest that there is a gradual shift in attitudes regarding the notion of sovereignty and non interference,*"[265] which is a precondition for the development of an autonomous ASEAN policy in the field of assurance. Nevertheless, measures contained in the ASEAN Security Blueprint still pose difficulties in addressing the root causes of regional instability and remove permanent barriers to cooperation. Particularly, they do not explicitly refer to norms and principles, due, also, to the different opinions held by ASEAN members towards humanitarian intervention.[266] For instance, the role played by the Philippines and Thailand during the peace-keeping operation in East Timor suggest that some ASEAN members are more prone than others towards humanitarian intervention for the protection of human rights, while some others still remain reluctant on this issue.[267] Another problematic aspect is that no reference is done to international humanitarian law so that the goal to achieve peace-oriented values may be subjected to different interpretations and allow the highest flexibility. Finally, while cooperation is mentioned with the UN and other relevant organisations it is not clear to what degree ASEAN plans to interact with them.

The barrier to agreement on new types of regional cooperation that are potentially intrusive in the domestic affairs of ASEAN states has resulted also in the proposal to create an ASEAN peace-keeping force. In 2004 Indonesia had already proposed that an ASEAN peace-keeping force be established by 2012 as part of the future ASEAN Community. This project was conceived as a long term initiative, which would have required first the improvement of trust and confidence amongst ASEAN members. "*The latter was however rejected on the ground that it was too early to consider to set up a force and highly problematic because each country has its own policy about politics and military.*"[268]

265. Mely Caballero - Anthony and Holly Haywood, *Defining ASEAN's role in Peace Operations: Helping to bring Peace Building "Upstream*"?, cited.
266. Alain Goilloux, "Regional Governance and Disaster Response", Nicholas Thomas, *Governance and Regionalism in Asia*, London: Routledge, 2009, pp. 287-288.
267. ibidem.
268. ibidem.

The idea to create a peace keeping centre and to provide the Association with a standby arrangement is still under discussion within ASEAN, particularly under the sponsorship of Indonesia, which encourages mechanisms aimed at finding regional solutions to regional problems.[269] But as argued by Hemke "*the potentials for multilateral peace keeping operations in Southeast Asia is rather sobering due to ASEAN's strong endorsement to the principle of sovereignty and non interference. Additionally, the establishment of such structures will be highly dependent on member states' internal political structure. A substantial change in political and strategic structures towards both governance and security is therefore necessary to make peacekeeping operations through ASEAN."*[270]

5.3. Conclusion: obstacles to regional security governance

In conclusion, the ASEAN RSP has helped Southeast Asian countries in stabilizing their region, through the creation of an ASEAN-centred security institution for addressing security issues of common concern. ASEAN owes much of its success to its adherence to the principles of the "ASEAN way". These principles have, however, showed their weakness in resolving extra-mural disputes such as the one in the South China Sea, and intra-mural conflicts like the Thailand-Cambodia border dispute. While it may be possible to maintain the consensus that disputes should be resolved through peaceful means, non-interference limits the effectiveness of the ASEAN RSP, and renders even more critical the question of how to resolve domestic concerns. The prospect for greater regional cooperation in the sphere on NTS looks more promising than in the realm of traditional security where good intentions risk falling under domestic constraints. The better governance of regional affairs would require, in fact, a shared commitment to the new ASEAN goals. Member countries have, therefore, to realize that, as we are living in a much more complex era, they should be prepared to permit ASEAN intervention to find resolutions to their common sources of insecurity.

In the last years these ideas have been sponsored by Indonesia, which took the

269. Personal Interview with See Se Tang, RSIS, Singapore,12 July 2011
270. Belinda Helmke, *The Absence of ASEAN. Peacekeeping in Southeast Asia.* Pacific News nr. 31, January/ February 2009.

lead in ASEAN reform. But, as noted by Saikia, whether reforms initiated by Indonesia are appreciated by other ASEAN members remains doubtful. [271] The effort to mediate in the Thai-Cambodia border dispute is a challenge to ASEAN's classical Westphalian principles, which creates strong differences within ASEAN. And the promotion of the principles of democracy and human rights are looked upon with particular suspicion by the former Indochinese countries. Thus, overcoming divergent views and emphasizing a collective ASEAN voice becomes an imperative for the strengthening of the ASEAN RSP and the progressive building of the ASEAN Community. How, in fact, can ASEAN gain international respect if it cannot gain respect from its members? [272]

ASEAN now has a program of monitoring member states' compliance with the ASEAN Plan of Action and the blueprints of its three communities. It is, indeed, essential that, as spelled out in these legal documents, member countries endeavour to use the existing regional dispute mechanisms and processes, such as the Human Rights Body and the High Council, to maintain regional peace and security.[273] Of no less importance, ASEAN shall embrace the challenge of conflict resolution policies, to show that it would not only able to manage but also to solve conflicts. But while the Association has created structures and processes to boost its capacity, "*it has found that instilling the values needed to implement these visions are slow in execution*".[274] The better governance of regional security will thus depend upon the creation of a growing internal cohesion in addressing global issues and in finding solutions for them through a common ASEAN platform. The consensus rule remains, however, an obstacle to the resolution of substantive security problems at an ASEAN level.

271. Panchali Saikia, Indonesia as ASEAN Chair. What Priorities? Analysis, *Eurasiareview,* 22 April 2011.
272. Rizal Sukma, "ASEAN's credibility at stake", cited.
273. ASEAN Secretariat, *ASEAN Security Community Plan of Action*, cited.
274. Jakarta Post, Editorial, ASEAN a Community Away, *The Jakarta Post*, 5 September 2011.

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