

The ASEAN Regional Forum

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INTRODUCTION

The years immediately following the end of the Cold War in the first half of the 1990s enabled the Asia-Pacific region to experience peace and stability without major power competition and without smaller nations having to take sides. At that time, ASEAN was the only diplomatic organization in existence in the region which had a considerable record of regional engagement.

In taking up “the primary driving force of the ARF [ASEAN Regional Forum],” ASEAN offered its record of enhancing regional cooperation in the most diverse sub-region of the Asia-Pacific. It also cited the habit of cooperation which it had fostered and could be a catalyst for encouraging regional cooperation in the wider Asia-Pacific region. ASEAN ministerial meetings in various sectors were supposed to have contributed to the positive regional environment, which could be emulated in the broader Asia-Pacific. The objective of the ARF would be “to successfully preserve and enhance the peace and prosperity of the region”¹ under the assumption that periods of rapid economic growth were accompanied by shifts in power relations, which could lead to conflicts.

From 18 founding members, the ARF now comprises 27 participants: Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, Democratic People’s Republic of Korea, European Union, India, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Russia, Singapore, Sri Lanka, Thailand, Timor Leste, United States, and Vietnam.²

The first ARF ministerial meeting agreed on “the need to develop a more predictable and constructive pattern of relations for the Asia-Pacific region.” In its initial phase, the ARF would concentrate on enhancing trust and confidence among the partic-

* This paper was submitted on 27 April 2017.

¹ “The ARF Concept Paper”, 1995.

² The founding participants are ASEAN members (Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, and Thailand), ASEAN’s Dialogue Partners (Australia, Canada, the European Union, Japan, New Zealand, Republic of Korea, and the United States), ASEAN’s Consultative Partners (China and Russia) and ASEAN Observers (Laos, Papua New Guinea, and Vietnam).

ipants. It would evolve gradually in three stages: (1) promotion of confidence-building measures; (2) development of preventive diplomacy mechanisms; and (3) development of conflict-resolution mechanisms. Although the ARF concept paper stated that the establishment of conflict-resolution mechanisms was an “eventual goal” that ARF participants should pursue, China, however, was quick in qualifying it to mean that the ARF would promote dialogue on various approaches to conflict resolution.³

CONTINUING REGIONAL SECURITY THREATS

More than two decades after the ARF’s establishment, some intractable regional security threats and challenges remain, such as the question of the denuclearization of the Korean Peninsula, the overlapping claims in the South China Sea, and some non-traditional security threats, including international terrorism.

In their recent ministerial meeting, ARF members repeated their concern over developments in the Korean Peninsula, including the series of nuclear tests and rocket and ballistic missile launches, by the Democratic People’s Republic of Korea (DPRK) which were in violation of the resolutions of the United Nations Security Council, including UNSC Resolution 2270. Year after year, the ARF has called for the denuclearization of the Korean Peninsula and the resumption of the Six-Party Talks.⁴

The situation in the South China Sea has worsened in the past two decades. Despite China’s commitment under the Declaration on the Conduct of Parties in the South China Sea, signed with all ASEAN member countries in 2002, particularly to refrain from inhabiting the presently uninhabited islands, reefs, shoals, cays, and other features, China conducted seven land reclamations, built structures, and occupied them. The UN Arbitral Tribunal constituted under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) even viewed China’s claims to sovereign rights and jurisdiction and to “historic rights” with respect to the maritime areas of the South China Sea (SCS) encompassed by the so-called “nine-dash line” as contrary to UNCLOS and without lawful effect to the extent that they exceed the geographic limits of China’s maritime entitlement under UNCLOS.⁵ China’s island building has also been met with strong pronouncements and actions by several countries, including the United States, which vows not to acquiesce to unilateral acts while continuing to exercise and assert its navigation and overflight rights and freedoms as well as other related high seas uses granted by UNCLOS.

³ ARF Concept Paper, Adopted at the 2nd ARF Meeting held in Bandar Seri Begawan, 1 August 1995. China prefers only a discussion on approaches to conflict resolution rather than establishment of conflict-resolution mechanisms.

⁴ 23rd ASEAN Regional Forum, Lao PDR, 26 July 2016.

⁵ Case No. 2013-19, Permanent Court of Arbitration constituted under UNCLOS Annex VIII, July 2016.

In its strongest pronouncement, the 2016 ARF Chairman's Statement reaffirmed the importance of maintaining and promoting peace, security and stability, safety, and freedom of navigation in and overflight above the South China Sea. The ARF Chairman publicly conveyed the concerns expressed by some ministers on the land reclamations and escalation of activities in the South China Sea, "which have eroded trust and confidence, increased tensions and may undermine peace, security and stability in the region." As in its previous pronouncements, the ARF called on all concerned to exercise self-restraint in their conduct, avoid actions that might further complicate the situation, and pursue peaceful resolution of disputes in accordance with international law, including the 1982 United Nations Convention on the Law of the Sea.

The ARF is also concerned with the continued threat of terrorism and violent extremism. One of the first experts-level bodies created by the ARF was on international terrorism. Following the 2002 Bali terrorist bombing that killed more than 200 people, the ARF established the Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime in 2003. From prevention to counter-measures to managing the consequences of major terrorist attacks, ARF members continue to cooperate at the multilateral level for more coordinated responses. But acts of terror continue. In 2016 alone, the ARF condemned terrorist attacks in various places, including Baghdad, Pathankot, Kabul, Dhaka, Nice, Istanbul, Brussels and Paris. Within Southeast Asia, ASEAN has entered into a convention on counter terrorism and a plan of action.

RECENT INSTITUTIONAL DEVELOPMENTS

After one and a half decade of the ARF's founding, ARF members decided to relaunch the organization with a sharper vision statement and set of commitments.⁶ They include: (a) strengthening the ARF's role in raising awareness on security challenges and intensifying confidence building and cooperation; (b) developing preventive diplomacy in priority areas that directly affect their peoples and that are insurmountable through their individual actions alone, namely those pertaining to non-traditional, transboundary and inter-state security challenges including working towards mutually acceptable early warning mechanisms; and (c) transforming the ARF into an action-oriented mechanism that develops concrete and effective responses to the common challenges confronting the Asia-Pacific region, such as terrorism and transnational crime, disaster relief, maritime security and non-proliferation, and disarmament, and those that may arise in the future.

The ARF Vision Statement was followed by a negotiation on a plan of action, which was adopted in Hanoi in 2010. The intention was to make the ARF more action-oriented. The specific areas for cooperation are summarized in the matrix below.

⁶ ARF Ministerial Meeting, 23 July 2009, Phuket, Thailand.

Areas of Cooperation	Plan
1. Disaster Relief	By 2020, the ARF aims to harmonize regional cooperation in disaster relief/management and strengthen the interoperability of civilian and military relief operations.
2. Counter Terrorism – Transnational Crime	By 2020, the ARF will develop an effective network for regional law enforcement and military agencies to build regional capacity, share information, and individually and collectively respond in a timely and effective manner to the threats posed by terrorism and transnational crime in the region. The forum will work towards the establishment of an ARF transnational threat information-sharing center.
3. Maritime Security	By 2020, the ARF should serve as a regional forum for maritime security issues that promotes and enhances maritime domain awareness, and develops concrete and effective regional responses to maritime security challenges. It will support the work of the ARF Inter-Sessional Meeting on Maritime Security (ISM on MS) as an established regional framework that addresses maritime security issues.
4. Non-proliferation and disarmament	By 2020, the ARF should develop national and regional capacity and promote common efforts in non-proliferation, disarmament, and peaceful uses of nuclear, chemical and biological technology.
5. Peacekeeping Operations	By 2020, the ARF will further enhance the regional capacity and readiness for peacekeeping activities, including through necessary training measures.
6. Defence Dialogues	By 2020, the ARF should further integrate defense track and personnel into the ARF process.
7. CBMs	ARF will encourage its participants to arrive at mutually agreed Confidence Building Measures (CBMs) and support the promotion of their implementation to enhance peace, stability, economic growth and prosperity in the region. ARF exercises should be held upon the consent of the interested states in areas to include disaster relief and other areas of cooperation and develop an early and realistic time table for their regular execution.

Another institutional development milestone for the ARF was the adoption of the Preventive Diplomacy Work Plan in 2011. The process started in 2001 when the ARF adopted the parameters of preventive diplomacy that could work in the Asia-Pacific region.⁷ Then in 2007, a track two study commissioned by the ARF was completed, containing best practices and lessons learned by selected international and regional organizations in preventive diplomacy. This was sent to the ARF Experts and Eminent

⁷ ARF Concept and Principles of Preventive Diplomacy adopted at 8th ARF in July 2001.

Persons in 2009 to comment on and submit their views. These steps became the basis of the ARF Preventive Diplomacy Work Plan.⁸

After more than two decades in existence, the ARF has covered a very broad area of dialogue and cooperation. Some of these include humanitarian assistance and disaster relief; counter-terrorism and transnational crime; maritime security; non-proliferation and disarmament; peacekeeping operations; defence officials dialogue; and publication of *ARF Annual Security Outlook*, among others.

MARITIME SECURITY

Among the ARF agenda, the subject of maritime security gained a lot of ground before and after the adoption of the Hanoi Plan of Action. The first meeting of track two Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Marine Environment Protection, held in Manila in 2016, provided justifications for this priority concern. The Philippines, as host of the meeting, provided the highlights of the discussions: (1) affirmation of the extensive wealth of biodiversity in the Asia-Pacific region particularly in the Coral Triangle and the South China Sea; (2) warning on the state of the marine environment in the region, with the corals and fish stocks being severely threatened by unsustainable practices; (3) recognition that while several mechanisms on marine environment protection exist, these were largely uncoordinated, not legally binding, and/or not properly implemented. CSCAP called on the governments to focus on emerging problems such as the environmental impact of deep sea bed mining and exploitation of hydrocarbon resources. It said that challenges to the marine environment could have far-reaching implications for human security, food security, environment security, and traditional security.

The ARF has a rolling three-year work plan on maritime security, which started in 2011. The most recent covers the 2015-2017 period and identifies the following priorities: (1) Shared Awareness and Exchange of Information and Best Practices; (2) Confidence Building Measures based on International and Regional Legal Frameworks, Arrangements and Cooperation; (3) Capacity Building of Maritime Law Enforcement Agencies in the Region. Each of these priority areas has an ASEAN and non-ASEAN country co-convenors.

Moreover, maritime security has had a regular inter-sessional meeting (just like Inter-Sessional Meeting on Confidence Building Measures (ISM-CBM and PD)) which

⁸ The 14th ARF in August 2007 received the Track II *Study of Best Practices and Lessons Learnt by Selected International and Regional Organisations in Preventive Diplomacy*. At the 16th ARF in July 2009, ministers mandated officials to begin development of an ARF Preventive Diplomacy Work Plan by drawing on the PD Study and other relevant ARF documents. The 16th ARF also tasked the ARF Experts and Eminent Persons (EEPs) to provide their views on the elements of such a Work Plan. The 4th Meeting of the ARF EEPs was held in December 2009 and prepared a paper entitled *Draft Elements of a Work Plan on Preventive Diplomacy*.

generates and coordinates all technical and experts-level workshops and conferences since 2008. The following have been the subject of discussions in the field of maritime security: confidence building and law of the sea; maritime risks management; fisheries management; illegal, unreported and unregulated fishing; national maritime single points of contact; and capacity building on ship profiling.

In every Inter-Sessional Support Group (ISG) meeting on maritime security, there was recognition of the countries' shared interest in managing the maritime domain as part of the global commons. There is general support for the goal of ensuring a secure maritime environment where there is freedom and safety of navigation for all countries and free flow of commerce, and where issues are resolved peacefully, in accordance with international law.⁹ There is also recognition that while they contribute to regional confidence building, cooperative activities to address specific challenges such as transnational crimes, piracy, smuggling, human trafficking, illegal and unreported and unregulated fishing (IUUF), and marine environment degradation are important issues by themselves.

Discussions on the importance of international law, particularly the law of the sea, in building mutual confidence for maritime delimitation, have also been held. For instance, at the ARF Seminar on Regional Confidence Building and the Law of the Sea, held in Japan in 2015, ARF participants exchanged views on how state practices and existing jurisprudence developed the international legal regime applicable to maritime areas pending delimitation, as well as the international legal regime for peaceful settlement of maritime disputes. Lessons learned in maritime delimitation efforts by some countries, including between Indonesia and the Philippines, were also presented and discussed.

Within ASEAN, several intergovernmental fora have also been established. These include the ASEAN Maritime Transport Working Group; ASEAN Maritime Forum; the Expanded Maritime Forum involving other countries; the ASEAN Defence Ministerial Meeting-Plus Maritime Security Experts Working Group; and the ASEAN-EU High Level Dialogue on Maritime Security, among others.

ARF'S EFFECTIVENESS AND VIABILITY

From the very start of the ARF's existence, there were already security specialists who saw the limits of this kind of security multilateralism. Some of these concerns include the unusual role of the smaller states of Southeast Asia in facilitating major power relations in the broader Asia-Pacific region and the lack of a strong institutional structure.

⁹ Co-Chairs' Summary Report 8th ARF Inter-Sessional Meeting on Maritime Security, Makati City, Philippines, 6-7 April 2016.

It is viewed as ambitious, unproven, or at least an imperfect diplomatic instrument. For instance, it has no intention to evolve into a collective defence or security mechanism.

While the general purpose of the ARF was lauded, such as its objective to contribute to regional peace, stability, and prosperity, the notion of creating a predictable and constructive pattern of relations through confidence-building and preventive diplomacy seems to be “a sizeable one”, observed Rosemarie Foot of the University of Oxford in her ARF review paper commissioned by Singapore’s Institute of Defence and Strategic Studies.¹⁰

It is said that it might be better for the ARF to admit that it could only be a venue for dialogue and contact. Half-truths and half-measured CBMs would only allow some to take advantage of others and could only reinforce patterns of suspicion and mistrust. Furthermore, it is said that the ARF, or any regional security mechanism short of a collective defence arrangement, could at best only contribute to the building of a viable balance of power, which remains the most effective way of maintaining stability.

It is said that multilateral diplomacy is intrinsically weak and inherently incapable of creating a stable distribution of power, particularly in the presence of powerful revisionist state/s or those with unsatisfied irredentist agendas. Born in ASEAN’s image, the ARF’s structures, modalities and processes are not only weak, but are even resented by some of its members who not only want a faster pace, but also want to assume some leadership role.

The timing facilitated by the end of the Cold War and the removal of foreign military bases in Southeast Asia is no longer a relevant backdrop. China is no longer just the emerging power that it was two decades ago. It is now a major power. The level of commitment by China to multilateral diplomacy is no longer certain and it has now repeatedly expressed explicitly its preference for bilateral over multilateral management of disputes. There seems to have been no fundamental cognitive change in security perception among the Chinese decision-makers, according to the same analysis by Rosemarie Foot.

The ARF is unique, according to Michael Leifer, in the sense that other regional experiences involved major powers as prime movers, such as the case of the Concert of Europe in the nineteenth century.¹¹ Leifer contends that within the Asia-Pacific, there is no other historical example of a group of smaller states assuming such a diplomatic centrality in fostering a multilateral security arrangement that involved all major regional powers on which prospects for stability and order greatly depend. Hence, at its best, the ARF is only a complementary diplomatic activity and a convenient assembly. Leifer argues that it can only be a valuable adjunct to the workings of the balance of

¹⁰ Rosemary Foot, “The Present and Future of ARF: China’s Role and Attitude,” in *The Future of ARF*, Khoo How San (ed.) (Singapore: Institute of Defence and Strategic Studies, 1999).

¹¹ Michael Leifer, “The ASEAN Regional Forum: Extending ASEAN’s model of regional security,” Adelphi Paper 302 (New York: Oxford University Press, 1996).

power, but to expect more is “a category mistake”, because the ARF is institutionally incapable of solving conflicts and security problems among its members. He predicts that the issue of the South China Sea is a test case for the ARF’s viability and efficacy that it will not pass. Leifer does not think that the ASEAN informality model is transferable to the broader Asia-Pacific where state capacities and interests are much more diverse among concerned states.

Although he views the ARF as imperfect, Leifer admits that there is no practical multilateral alternative available for the time being. Going even further, Amitav Acharya argues that the ARF is useful beyond being a mere adjunct to the balance of power mechanism.¹² It could moderate and maintain a stable balance of power by providing norms of restraint and confidence building among the major powers. It could even transcend the balance of power approach in the long run. For a security community to evolve, a balance of power approach has to be supplemented by multilateral security dialogues and cooperation.

Among security analysts, however, there is no fundamental disagreement that the behaviours of major world powers have a significant bearing on the fate of security communities. Acharya thinks that ASEAN, which has gained some level of self-confidence as a result of regional stability and integration within Southeast Asia, may have overestimated its capacity to assume the role of driver in the development of the ARF. A leadership role in managing regional order would involve a challenging responsibility for ASEAN. The central role of ASEAN in the ARF remains controversial to the point that it is even blamed for the ineffectiveness of the ARF to carry out collective actions or the slow progress in evolving the ARF from its nascent state into a mature security community. But precisely because of its non-threatening capacity and intention, ASEAN is trusted and will continue to keep the ARF leadership by default. Moreover, ASEAN knows that existing security alliances or guarantees are equally imperfect supplements to regional security.

In his very comprehensive and insightful book on the ARF, former Secretary-General of ASEAN Rodolfo Severino covered many more views expressed on the ARF, some critical, some supportive and others cautiously in between.¹³ He reminds his readers that the ARF includes some of the most powerful countries in the world with divergent strategic outlooks and interests. While this makes the ARF an important diplomatic forum, it also prevents the organization from creating strong institutions which can make collective decisions or resolution of conflicts for its members. It is a classic case of sovereignty clashing with community principles. Severino thinks that, despite its limitations, the ARF will remain a useful venue for inclusive multilateral dialogues until such time that disputes and tensions in the Asia-Pacific dissipate to such an extent

¹² Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the problem of regional order* (London: Routledge, 2001).

¹³ Rodolfo Severino, *The ASEAN Regional Forum* (Singapore: ISEAS, 2009).

that regional stability is perceived as being guaranteed and confidence-building is no longer necessary.

In his book, Severino summarized the two tendencies within the ARF from the beginning: one for a more institutionalized and active forum able to respond to security threats and the other which prefers a forum for dialogue with no interventionist role. They have remained essentially the same over the past two decades. The most they could agree on is to carry out “preventive diplomacy” activities in the broader domain of human security. This is the context of how the ARF Preventive Diplomacy Work Plan, which is supposed to include cooperation in the areas of humanitarian assistance and disaster relief, counter-terrorism and transnational crime, maritime security, non-proliferation and disarmament, and peacekeeping operations, has evolved. But even in these areas, it is difficult to expect ARF-wide activities in all cases.

PROSPECTS FOR THE FUTURE

False and unrealistic expectations are bad because they not only disappoint, but also put in danger national and regional interests. How do we avoid both? The answer lies in whether or not we have sufficient confidence in our appreciation of a combination of factors, such as the state of relations among the participating major powers, the level of community-building among regional states, the clout of the convenor (ASEAN) to steer the process, and the institutional capacity of the ARF to meet those expectations. Considering all these, it is hard to have high confidence that the ARF can do anything more significant than what it has already done in the past two decades. This is far from saying that the ARF is useless. On the contrary, its staying power may have proven its importance as an inclusive security forum which focuses on challenges in the Asia-Pacific region. But it should only be considered as one among other pillars that are needed to keep the peace in this part of the world.

The ARF Preventive Diplomacy Work Plan should be allowed to take its course, including in conducting workshops and training programmes for ARF participants on preventive diplomacy. Continuing discussions on preventive diplomacy by itself is important, according to some analysts, for everyone to understand each other’s apprehensions and in order to assess whether a particular issue is due to misunderstandings or a more fundamental reason that can never be overcome simply by talking.¹⁴

Institutions are important. If it is more possible to develop regional institutions outside ASEAN and the ARF framework with more limited members and purposes, these should be tried. Concerned countries could create a new regional security architecture that has a more robust structure, mandate, and resources. The time for this might have

¹⁴ Michael Pillsbury, “The Future of ARF: An American Perspective,” in *The Future of the ARF*, Khoo How San (ed) (Singapore: IDSS, 1999).

come. The ARF has fulfilled its historic contribution at the end of the Cold War and bipolar world order in managing uncertainties. It should be proud that it has created space and time for new initiatives and institutions to emerge.

But institutions alone do not make peace. One might ask, in the broader scheme of things, can we really place our biggest hope in architecture building? Is this the most important solution that should preoccupy us? Will it make a significant difference in terms of promoting peace and security among nations in the region, particularly between major powers and smaller states? Can multilateral organizations actually constrain and restrain the use of force in conflicts and disputes? While institutions are important, it should not be confused with commitment and content. It would be best to be prudent and maintain the balance between idealism and realism in international relations.

No amount of regional institution-building can stop a state which has every intention of using force or threatening war as an extension of foreign policy or even domestic politics – especially in the use of so-called limited wars. The truth of the matter is that while multilateral interactions are important, it is only one pillar of building a culture of peace, cooperation, and trust. What matters most is the commitment and predisposition to peace. To borrow an expression from German political scientist Alexander Wendt, the ARF, or any other regional security architecture for that matter, is what member states make of it. By extension, we could expect the same whether we have a legally-binding code of conduct or a political declaration of conduct in the West Philippine Sea.

Security community building assumes the reframing of the security discourse from competition for power to cooperative security; from reserving surprises to enhancing transparency; from zero-sum game to common security; and from stirring suspicions to building trust. Foreign ministry-led security cooperation can never be sufficient, not just in a world without a central government, but also in a world of not just governments. For many of those diplomats involved in the process, they have done their part.

RULE OF LAW AND INTERNATIONAL NORMS

In the end, what matters most is adherence to the rule of law, values and norms. It should not be capabilities that matter most, but intentions. Differences in capabilities need not drive differences in intentions. Differences in capabilities need not breed threats and insecurities. International norms should set standards for the appropriate behaviour of states. Transformative norms and interactions should cause the reformulation of state interests. Each state should then behave as part of a whole. Some of these norms, like mutual respect for sovereignty and territorial integrity as well as renunciation of the threat or use of force in settling disputes, are already contained in the Treaty of Amity and Cooperation, which has been signed by all members of the ARF.

Just like in any human relationship, international relations do not move in a straight line or follow a linear pattern. There will always be power shifts, turbulence, change and discontinuities. This is why the only way to have lasting peace is through constant and consistent confidence-building, not only to avoid miscommunication, miscalculation, and suspicions, but to move towards cooperative security through mutual reassurance of peaceful intentions. Countries involved in the ARF should be security maximizers, instead of power maximizers fed by mistrust, ignorance, and ambition. Signalling benign intentions consistently is most crucial in building trust and confidence. Promotion of the rule of law, values, and norms is a long-term agenda. It is consistent with UNESCO's efforts to educate, socialize, and build a culture of peace. It is about a way of life that rejects violence and resolves conflicts amicably.

It is important to broaden the community of peace both at the international and domestic arenas. Socialization of politicians and military personnel at the domestic level is as important as socialization of states at the international level. Constructive dialogue that educates the public and influences public opinion in favour of peaceful ways should be encouraged. Finally, regional security agenda-setting should not be left to the major powers alone. They are very important no doubt. But their interests may not always coincide with those of many smaller states who should work closer together now more than ever.

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