Can the ASEAN Regional Forum have a Role in Maintaining Regional Security?

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Abstract

This paper explores the potential for the ASEAN Regional Forum (ARF) to act on security issues that affect its members. The ARF has a process of incremental steps for addressing security issues; a process that begins with confidence-building, through to preventive diplomacy and finally conflict resolution. Setting itself against this context, this paper considers both a traditional security challenge in the form of the territorial disputes in the South China Sea, and a transnational, non-traditional, security challenge in the form of human trafficking, and assesses how the ARF is progressing in dealing with security challenges in South East Asia.

This paper is 13 pages long.
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Introduction
With the end of the Cold War, along with the optimism that the long period of superpower belligerence was over, there were also concerns that the changes this would bring to the global balance of power would adversely affect regional security. To both address this concern, and to take advantage of the new security environment, the Association of Southeast Asian Nations (ASEAN) founded the ASEAN Regional Forum (ARF) in 1994. The ARF was designed to draw together nations with an interest in South East Asian regional security.

While it could be said that the ARF appears unable to deal with sensitive security issues such as territorial disputes in the South China Sea dispute, this paper will argue that the ARF still has the potential to play an important role in addressing less sensitive non-traditional security threats in the region. These include issues such as human trafficking, terrorism, cyber crime and piracy.\(^1\) In dealing with these issues, the ARF will mature as a security organisation, and while it may never be able to resolve inter-state territorial disputes, its role in bringing states together may well avert future problems.

This paper will discuss the reasons why the ASEAN member nations founded the ARF, and then examine the ongoing South China Sea territorial dispute. The latter demonstrates the ARF’s current limitations in addressing traditional security threats. The paper will then assess a potential future role for the ARF as a mechanism for dealing with non-traditional threats, especially those that affect all member nations.

The ASEAN Regional Forum
ASEAN uses a number of formal and informal principles to underpin the conduct of its discussions and decision-making processes, collectively known as the ASEAN Way.\(^2\) Rarely are security issues discussed in ASEAN fora by ASEAN member states. This is primarily due to the ASEAN norms of non-intervention in the internal affairs of other ASEAN states, and the requirement for consensus in all ASEAN decision-making.\(^3\) Any discussion of a regional security issue is thus quite limited. The result is that within ASEAN, member states avoid taking direct action against each other.

\(^1\) For a full list of the ARF’s non-traditional security concerns, see the ARF website available at <http://www.asean.org/arf/Chairs-Sanya-7-8March.05.pdf>, accessed 18 November 2011.


The rapid shift in the balance of power at the end of the Cold War created opportunities in South East Asia for confidence building and preventive diplomacy. In addition, in the early 1990s there were also warning signs that the United States (US) was drawing down its forces in the region, and that China was increasing its activity in the South China Sea. The potential threat to regional security from these shifts in power, coupled with ASEAN’s reticence to discuss security issues, was the catalyst for the creation of a new forum, the ARF. As an extant multilateral forum, ASEAN was the ideal base on which to build the ARF, especially as other interested parties such as Japan and the US were unwilling, and not so suited, to lead it. Furthermore, China would have been reluctant to join a forum led by either of those powers. The ARF membership quickly grew to 27 member nations with an interest in the security of South East Asia. Its membership is geographically and politically broad. It is comprised of not only the 10 ASEAN member states (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam), but the 10 ASEAN dialogue partners (Australia, Canada, China, the European Union, India, Japan, New Zealand, Republic of Korea, Russia and the United States), one ASEAN observer (Papua New Guinea), as well as the Democratic People’s Republic of Korea, Mongolia, Pakistan, East Timor, Bangladesh and Sri Lanka. And while it is ‘neither a military alliance nor a defence pact… all possible adversaries in the Asia-Pacific are inside the ARF fold; that is the whole point of the forum.’

The ARF has established an incremental development path that leads from the current confidence-building approach, through preventive diplomacy, to conflict resolution as the basis for addressing security issues. There remains no timeframe associated with moving from one step to the next, even though a Work Plan on Preventive Diplomacy was agreed in June 2011.

Within the ARF, building confidence is achieved in three ways: first, through the conduct of formal ministerial meetings; second, through the adoption of the

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4 The official website of the Association of Southeast Asian Nations, Overview, available at <http://www.aseansec.org/92.htm> accessed 8 March 2011
6 Rudolfo Severino, The ASEAN Regional Forum, Singapore, Institute of Southeast Asian Studies, p. 7.
8 Severino, The ASEAN Regional Forum, p. 126.
ASEAN Way; and third through an increasing number of intersessional meetings.\textsuperscript{11} This third step includes operational coordination, which has only occurred so far in the area of Humanitarian Assistance and Disaster Relief (HADR).\textsuperscript{12} This is an area where some of the ARF member nations have successfully trained together to develop a better understanding of each others’ HADR capabilities.\textsuperscript{13}

The ARF places great emphasis on the confidence building stage, and as such it relies on the ASEAN principles of non-interference and consensus in its discussion of security issues.\textsuperscript{14} Critics of the ARF have voiced frustration that the ARF has yet to move beyond the confidence building stage and that the Forum is simply a ‘talk shop’.\textsuperscript{15} Yet, inability to act decisively is seen by others as an extension of the ASEAN Way to make progress slowly and constructively.\textsuperscript{16} Yet this does not necessarily result in an issue being resolved. The following example of territorial disputes in the South China Sea, demonstrates the ineffectiveness of ARF to deal with complex traditional security issues.

The ASEAN Regional Forum and the South China Sea

Territorial disputes over access to fisheries and exploration for oil and gas reserves in the South China Sea have been an issue for South East Asian security for many years.\textsuperscript{17} Five ARF member nations,\textsuperscript{18} and Taiwan, have claims that overlap with their neighbours leading to ongoing disputes that have escalated to violence. In March 1988 for example, China and Vietnam were involved in a naval engagement that resulted in China securing a number of islands in the Spratly Chain.\textsuperscript{19} In 1992, ASEAN, with the agreement of China, produced the Declaration on the South China Sea in an attempt to resolve all

\textsuperscript{11} Severino, The ASEAN Regional Forum, p. 128.
\textsuperscript{12} Amitav Acharya, Constructing a Security Community in Southeast Asia: ASEAN And The Problem Of Regional Order, 2\textsuperscript{nd} edition, New York, Routledge, 2009, p. 205.
\textsuperscript{15} Severino, The ASEAN Regional Forum, p. 112; Carlyle Thayer, Southeast Asia: Patterns of Security Cooperation, Australian Strategic Policy Institute, 2010, p. 47.
\textsuperscript{17} Muthu Rajendran, ASEAN’s Foreign Relation : The Shift to Collective Action, Kuala Lumpur, Arenabuku1985, p. 83.
\textsuperscript{18} The five countries are China, the Philippines, Malaysia, Vietnam and Brunei.
similar disputes peacefully. While China agreed to the declaration, it still did not withdraw its claims to the islands in the South China Sea, and maintained an obstructionist approach to the application of the Law of the Sea in relation to free passage.\textsuperscript{20} As a sign of things to come, at the conclusion of the ARF’s first meeting in 1994, the final Chairman’s statement did not even mention the South China Sea dispute as one of the issues the ARF would address in future meetings.\textsuperscript{21} The prime reason for this reticence was China’s argument that it would rely on bilateral or multilateral relationships with the countries directly involved, rather than through the ARF.\textsuperscript{22} This action by China is in accordance with the ARF’s application of the ASEAN Way and the consensus approach to discussions, meaning that if China does not want to discuss the issue then the ARF will not. This approach leads to criticism by observers of the ARF’s apparent disregard for complex and divisive issues; proof that is it nothing more than a ‘talk shop’.

In 2002, both the members of ASEAN and China produced the Declaration on the Conduct of the Parties in the South China Sea that had 10 action points. The points included allowing the freedom of navigation or passage in the South China Sea, even though it did not address sovereignty issues related to disputes over islands and resources in the sea.\textsuperscript{23} Despite signing the declaration with ASEAN members, China resisted any other discussions at the ARF on the issue. Instead, it developed bilateral resource exploration agreements with Vietnam and the Philippines.\textsuperscript{24} However, at the 17\textsuperscript{th} ARF ministerial meeting in Hanoi in July 2010, the US, along with 11 other ARF members asserted that the area was in international waters and therefore military vessels have the right of innocent passage.\textsuperscript{25} China reacted angrily, and claimed that ‘US surveillance is not innocent passage’.\textsuperscript{26} Further, ‘based on accounts by individuals who were in the room...Foreign Minister Jiechi Yang was angry. US Secretary of State Hillary Clinton was the foremost target of his wrath, but the foreign minister lashed out

\textsuperscript{21} Emmers, \textit{Cooperative Security And The Balance Of Power In ASEAN And The ARF}, p. 137.
\textsuperscript{24} Severino, \textit{The ASEAN Regional Forum}, p. 189.
\textsuperscript{26} Torode, ‘How The US Ambushed China In Its Backyard And What Happens Next’.
as well as the Southeast Asians who had been so bold as to mention the South China Sea’.

Thus, this attempt by 12 members to use the ARF as a forum to state their own national interests in, and their own perceptions of, the South China Sea dispute can be seen to have failed. The US set up alternative dialogues with ASEAN members and excluded China, which in turn provoked commentary from China that this form of dialogue was inappropriate and would only lead to complicating the situation rather than helping to resolve it. China wanted to discuss the issue only with the other countries that were directly and intimately involved. At the time of writing there have been no ARF ministerial meetings since the 2010 meeting in Hanoi. Even so, it is unlikely that the South China Sea will be on the agenda again because the issue is perceived to so seriously undermine confidence between member states. A flow-on effect, however, could also be a delay in the ARF’s progression towards preventive diplomacy.

What Role Can the ASEAN Regional Forum Play in Regional Security?

In 2011, the ARF planned to progress from confidence-building to the preventive diplomacy stage through developing a work plan. However, the fallout over the attempt to discuss the South China Sea issue at the 2010 ministerial meeting may delay implementation of this plan. Even after 17 years of confidence-building between member nations, addressing such protracted, sensitive and complicated issues such as the South China Sea dispute appears to be beyond the ARF.

This paper therefore argues that the ARF should address issues that are less likely to antagonise the member nations in an attempt to rebuild confidence.

Rather than addressing traditional threats such as inter-state territorial disputes, the path to progress for the ARF, and its relevance to regional security, is in addressing non-traditional transnational threats. In South East Asia these are threats such as haze from forest fires, undocumented migration

29 ‘China "Concerned" About Possible US-ASEAN Statement On South China Sea Issue’.
including human trafficking and transnational crime, communicable disease, drug trafficking and terrorism.\textsuperscript{31}

Discussions on transnational threats at the ASEAN Defence Ministers Meeting (ADMM) in Hanoi on 12 October 2010 agreed that most non-traditional issues were beyond the scope of any one nation to cope with.\textsuperscript{32} Taking the lead from the ADMM, the ARF could focus on one of these non-traditional threats as a means of rebuilding confidence in the forum. As indicated earlier, the ARF is already addressing HADR, and in particular is coordinating responses to regional disasters. Given the threat from natural disasters occurs with little or no notice, it is not realistic to expect the ARF to reduce the threat, but only be able to react after the event with HADR operations.

However, addressing other non-traditional threats has the potential to be an area where the ARF can act differently. Transnational security issues are, by definition, common to many countries, and require a regional response to the issue. If the ARF can focus on one issue and reduce that threat to regional security in the process, it may establish confidence in the ARF’s capacity to be an effective organisation and thus enable it to address other threats to regional security. Given it has taken almost 20 years for the ARF to achieve its current position, it would be reasonable to expect to see this effort take a significant number of years.

Human trafficking is one issue that the ARF could start combating in the near future. Human trafficking can affect the security of a country through either its citizens being taken and sold into this modern form of slavery, or people being brought into a country as low or underpaid workers, against their will.\textsuperscript{33} It is thus a human security, and a national security, issue. No single country can be blamed for all human trafficking, yet it affects most ARF member nations by subverting law and order and depriving people of their basic rights. By first discussing the nature of the threat from human trafficking, ARF members would be able to share their both their concerns and the approaches they are using to mitigate the problem.


The Bali Process on Human Trafficking involves a body of states that are discussing this issue but are yet to establish any international protocols on addressing the threat; the last meeting on visa regulation recommended further workshops.34 Building on the Bali Process, the ARF could address ASEAN’s 2004 Declaration Against Human Trafficking. The aim of this Declaration Against Human Trafficking is to ‘establish a regional focal network to prevent and combat trafficking in persons…in the ASEAN region’.35 The ARF could be used as the focal network wherein discussions could be transformed into cooperative solutions and actions via the engagement of the law enforcement agencies of member nations. Solutions could be tailored for each concerned nation or be delivered collectively. A focus on geographic, rather than political restrictions, would enable a coordinated approach to addressing the threat. As member states start to see arrests and the disruption to human trafficking networks, their confidence in the capacity of the ARF is likely to grow. This could lead to the advancement of the ARF’s development plan towards the achievement of preventive diplomacy in addressing other threats to regional security. Building on the successes of this approach in other areas would advance the ARF’s role in maintaining regional security. The ARF could thus also counter its critics, proving that it is far more than merely a ‘talk shop’.

**Conclusion**

The ARF has to date been unsuccessful in resolving traditional security issues such as the South China Sea. Its cautious reliance on consensus and harmony, essentially means it has remained at the confidence-building stage since its inception. The unsuccessful raising of the South China Sea dispute at the ARF meeting in 2010 was a retrograde step for the development plans of the forum, potentially delaying its progression from confidence-building to preventive diplomacy. That said, the ARF does bring the major powers with an interest in South East Asian security together in one focussed forum. This alone may avert future misunderstandings or conflicts, but only if the confidence between participants can become more robust. If the ARF focuses discussions on, and develops a coordinated response to, a less contentious threat such as human trafficking, it may renew confidence both internally and externally in its ability

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to deal with security issues. Confidence in the ARF and its relevance to regional security would then enable the forum to continue on its path towards tackling other security issues – albeit no doubt cautiously. For the time being however, by addressing the non-traditional threats facing its member nations, rather than attempting to resolve traditional threats, the ARF can have a role in maintaining security in South East Asia.