

CHAPTER 6 POLITICO-SECURITY REGIONALISM IN SOUTHEAST ASIA: CONTINUITY AND CHALLENGE TO THE 'ASEAN WAY' IN THE POST-COLD WAR ERA

6.1 Introduction

In Southeast Asia, the collapse of the Cold War initially marked optimistic future prospects for ASEAN's vision of regional order. Of primary importance, Vietnam's withdrawal from Cambodia in 1989 and that conflict's formal settlement in 1991 eliminated the most prominent contradiction to the idea of ZOPFAN in ASEAN (see Chapter 4). It was also hopeful in the fact that the ending of great power rivalries was likely to promise the beginning of a new era in the ASEAN region. Following the Cold War's collapse, moreover, ASEAN extended its functions⁶³, enlarged its members⁶⁴, and kept a championship in Asia's nascent multilateral economic and security forums – (the ASEAN Regional Forum (ARF) which was established in 1993⁶⁵). At the same time,

⁶³ In 1992, the Singapore Summit brought forth several important changes to ASEAN's basic framework. For instance, the heads of government now meet every three years, with informal gatherings in the interim. In addition, the secretary-general of the ASEAN Secretariat was renamed the secretary-general of ASEAN and given ministerial (as opposed to the previous ambassadorial) status. The secretary-general's new responsibilities were to initiate, advise, coordinate and implement ASEAN activities. Moreover, ASEAN institutionalised an annual Senior Officials Meeting-Post-Ministerial Conference (SOM-PMC) as part of its effort to increase discussion of regional security initiatives with non-ASEAN governments in the region. Finally, in 1992, an ASEAN Senior Official Meeting that brought together officials from foreign and defence ministries to discuss regional security was also institutionalised (see ASEAN 1992; also Chapter 1).

⁶⁴ Vietnam became the first of the four mainland Southeast Asian countries to enter ASEAN in July 1995. Two years later, ASEAN admitted Laos and Myanmar as members of the organisation. After the restoration of political stability, Cambodia was admitted to the organisation on 30 April 1999 (see Gates and Than, 2001:1; also Chapter 1).

⁶⁵ The Twenty-Sixth ASEAN Ministerial Meeting and Post Ministerial Conference, which were held in Singapore on 23-25 July 1993, agreed to establish the ASEAN Regional Forum (ARF). The inaugural meeting of the ARF was held in Bangkok on 25 July 1994 (see ARF, 1994; also Chapter 1).

however, the end of the Cold War also evoked a number of significant challenges.

Under the circumstances, ASEAN witnessed the transformation of the regional security context which was created by the geo-political shifts. In this regard, Southeast Asia's primary concern in terms of conventional security challenges was the prospect that 'China might use its growing military might to challenge the existing regional order and project its influence southwards' causing anxiety in ASEAN about China's intentions (Felker, 2001:224). Following the Cold War and the settlement of the Cambodian conflict, ASEAN and China were no longer in alliance confronting Vietnam (for the reasons why ASEAN and China were in alliance during the Cold War, see Chapter 4).

By 1992, moreover, US military retrenchment combined with the closing of US bases in the Philippines once again raised ASEAN concerns about security, while China's growing military power could well be deployed against the interests of one or more ASEAN states⁶⁶. In combination with the geo-strategic changes of the ASEAN region after the Cold War, on the other hand, by the early 1990s, ASEAN faced the falling-outs of the globalisation process – that is, the widening and deepening hegemony of the neo-liberal orthodoxy (expressed clearly in the creation of Asia-Pacific Economic Cooperation (APEC) in 1989); growing fears of exclusive regional blocs such as the European Community (now EU) and the North American Free Trade Agreement (NAFTA); the liberalisation of the Chinese economy, itself competing for scarce financial capital (Kelly, 1999:183).

Within this new and novel context of the political and economic security environment, ASEAN made a number of efforts to resist the aforementioned challenges from both regional and global forces. In terms of politico-security arena, ASEAN pursued a leadership role in the Asia Pacific multilateral forum (ARF) (see 6.2). In terms of economic security cooperation, furthermore, ASEAN members have sought to react to the global forces through utilising such various economic strategies as the East Asian Economic Caucus (EAEC) in 1991 and ASEAN + 3 in 1997 (see 6.4).

⁶⁶ This apprehension was reinforced in February 1995 when it was revealed that Chinese naval forces had seized the unoccupied Mischief Reef in the Spratly Islands, claimed also by the Philippines, some 130 miles off the coast of the Philippines island of Palawan (see Leifer, 1996:16-20).

Nevertheless, new types of non-traditional security affairs in Southeast Asia appeared in the late 1990s. In particular, ASEAN's paralysis over regional crises in 1997-2000 (the Asian economic crisis and the problem of East Timor) engulfed Southeast Asia and further reduced ASEAN's credibility of playing a leadership role in the ASEAN Regional Forum (ARF). Thus, the consequence of the changed pattern of regional alignments, the international economic climate as well as the emergence of new security threats in the ASEAN region evoked the need to re-evaluate ASEAN's role, which was felt even more acutely than in times past.

While the future shape of regional order is difficult to foresee, a number of ASEAN's actions in the 1990s could affect ASEAN regionalism especially with regard to political security cooperation in an unstable and uncertain time (*cf* Euarukskul, 1998:248-266). In terms of the political security dimension, as mentioned in chapter 2, Buzan et al (1998:141) argue that '[i]n some sense, all security is political. All threats and defences are constituted and defined politically'. In this context, it can be assumed that the political sector, to some extent, is problematic in studying regional security cooperation within ASEAN because of its nature of the broadness. However, given the fact that the contemporary regionalism is composed of multi-dimensional features (Hettne, 1994; Hurrell 1995a; 1995b), the political sector is rather conducive to illuminating the mechanism(s) of ASEAN regionalism especially with regard to regional security cooperation. In that regard, the political security dimension, in particular, remains helpful to examine the extent and scope of the ASEAN's viability in the post-Cold War era.

This chapter examines the processes and patterns of ASEAN security cooperation in the context of the contemporary politico-security regionalism in the post-Cold War era. In doing so, it will illuminate the mechanisms of regional security and regionalism in ASEAN with focusing on the most important efforts made by the organisation. These can largely be classified with the three different parts of regional security cooperation in ASEAN involving the emergence of the ARF, conflict management in the ASEAN region, and ASEAN's response to the Asian economic crisis (1997-1998). All of these parts of regional security cooperation in ASEAN will highlight the ASEAN's continuous adherence to the norms of the 'ASEAN Way' such as non-interference, even though ASEAN has been severely challenged to reform the ASEAN Way from both internal and external forces especially since the outbreak of the regional crises during 1997-2000.

In the first part of the ASEAN's politico-security cooperation (see 6.2), ASEAN endeavoured to advance its role and position particularly in two ways, viz. transferring the expediency of ASEAN diplomatic security culture as regional identity to the ARF, but also engaging China as an emerging regional power through using multilateralism. In this context, the ARF's efforts in line with ASEAN's intra-mural diplomatic culture (which avoided formal negotiations and legally binding security commitments) will be examined first. The focus will be on the character and pattern of ASEAN's regional attempt to transplant the 'ASEAN Way' (particularly the style of a non-confrontational, informal and consensual decision-making system) into a wider regional setting and make it the foundation of an 'Asia Pacific Way' of multilateralism (Acharya, 1997a; 1999b).

Following the analysis of the aforementioned concerns related to the ARF, the second part of the ASEAN's politico-security cooperation will focus on conflict management in the ASEAN region. In this section, it will explore the ASEAN's mechanisms of conflict management in dealing with the two important regional security issues involving the South China Sea conflict (1992-2004) and the East Timor crisis (1999-2000)⁶⁷. The former will be conducive to understanding the ASEAN member states' way of approaching regional conflict in the South China Sea which is seen as one of the most contentious issues of current security problems in the region. The latter can also be regarded as an important event for both ASEAN and the ARF which were criticised for their ineffectiveness to address an intra-state conflict within the ASEAN region. In this context, the East Timor crisis will be instrumental in reflecting the effects and limits of the ASEAN Way as a response to the crisis (see 6.3).

Furthermore, the next section (6.4) will explore how ASEAN managed to make the norms of the ASEAN Way viable especially after the Asian economic crisis of 1997-1998. By implication, this will be conducive to understanding the capacity of ASEAN to

⁶⁷ Although the East Timor crisis (1999-2000) can largely be regarded as one of outcomes resulting from the economic crisis, this chapter will discuss the crisis in the section of conflict management in the ASEAN region. Because the East Timor crisis was not a direct product of economic factors, but rather the crisis that broke out in 1999 can be viewed as the by-product of the Asian Economic crisis that worked as the catalyst of a number of new security threats (see Cotton, 2001:133; Van Ness, 2000:264; Murphy, 2000:225-227; Palmujoki, 2001:124).

fulfil its functions beyond traditional security issues. In terms of the Asian economic crisis, in particular, the chapter will focus on the impact of the economic crisis on the norms of the ASEAN Way such as non-intervention and/or non-interference. In doing so, the chapter will illuminate whether and to what extent the ASEAN Way has been preserved and/or compromised. For the analysis of the character and style of regional politico-security cooperation, in this way, the chapter seeks to look at the relational mechanisms of norms, identity and interests in the ASEAN Way context.

From a constructivist perspective of international relations, given the fact that the identities and interests of actors are constructed within the context of different processes of interactions, norms are not only defined by actors but also (re)defined by them. That is, the norms of the ASEAN Way such as non-intervention, which are the shared beliefs of ASEAN leaders, can be reshaped through political and social interactions. Under the circumstances, this chapter will highlight regional politico-security cooperation practices in ASEAN that deal with the security challenges of (recent) multiple regional problems which impacted on the mechanism of politico-security regionalism in Southeast Asia, often represented as the 'ASEAN Way'.

6.2 The Emergence of the ASEAN Regional Forum (ARF): The impact of the 'ASEAN Way' on the ARF

The ASEAN Regional Forum (ARF) was established in 1993. It is the first multilateral security forum covering the Asia Pacific region and has eighteen founding members, including Malaysia, Indonesia, Brunei, Singapore, Thailand, the Philippines, the USA, Canada, Japan, South Korea, Australia, New Zealand, the EU, Russia, China, Papua New Guinea, Vietnam and Laos⁶⁸. In a changed context of the post-Cold War era, ASEAN determined to uphold the development of a multilateral security forum in the Asia Pacific region with conforming to its norms of regional autonomy as expressed through the ZOPFAN framework (see Chapter 4). But ASEAN member states began gradually to feel sceptical of maintaining its official adherence to ZOPFAN, especially after the withdrawal of the Vietnamese' occupation in Cambodia in 1989. ASEAN's practice of diluting the norm of regional autonomy in resolving the Cambodian conflict helped increase the questions about its continued relevance in a multilateral security

⁶⁸ Myanmar, Cambodia and India subsequently joined the group, increasing its membership at the end of 1997 to twenty-one, while North Korea was admitted in 2000.

forum in the Asia Pacific region. This implied, as mentioned in chapter 4, that ASEAN came to turn its attention from 'inward' (or exclusiveness) to 'outward' (or inclusiveness) orientation in managing the security problems in a number of sectors, which challenged, to some extent, the ASEAN's primary norm of emphasising the non-intervention principle.

In the post-Cold War context, as mentioned earlier, ASEAN made several efforts to keep the organisation alive, such as: ASEAN's 1992 decision to identify security as a formal area of ASEAN cooperation toward 'inclusiveness'⁶⁹; its 1993 creation of the ARF; its ongoing efforts to detail an ASEAN's Treaty of Amity and Cooperation (TAC) Protocol; and its 1995 signing of the SEANWFZ Treaty. All of these attempts were ASEAN's efforts to accomplish a key role of ASEAN in expanded regional processes. Of these records, ASEAN's most ambitious one – to manage security in a new era – is embodied in the ASEAN Regional Forum (ARF). As Kahler (2000:555) notes, the ARF is composed of heterogeneous participants but with a 'thin institutional framework'. Its operational practices basically follow the ASEAN's principle and norms, i.e. consensus (non-voting) and gradual progress comfortable to all members. Although the ARF adopted the ASEAN's TAC as its code of conduct, the forum's agenda is not based on legally binding pacts of any kind. However, ASEAN came to face a conflict between the Western style of legal base and the Asian style of consensus. Indeed, this conflict incited ASEAN members to reject the proposals of security framework after Western institutions (Ba, 1997:644-647).

Within the development of the ARF process, there have been different attempts to view the creation of the ARF by different scholars arguing from a range of approaches. The liberal perspective is well pointed out by Evans (1993:16), the former Australian foreign minister, who emphasised the idea of 'cooperative security'. In defining the idea, he emphasises 'reassurance rather than deterrence; inclusiveness rather than exclusiveness' ... and 'assumes that states are primary actors in the security system,

⁶⁹ During the ASEAN Singapore Summit of 1992, ASEAN leaders pronounced their common concern about unstable developments in the Asia-Pacific region and ramifications that instability might have in Southeast Asia. In a joint declaration, the ASEAN Heads of States announced ASEAN's intention to move from purely intra-ASEAN security to enhanced security by increasing security cooperation with other states in the Asia-Pacific region (see ASEAN, 1992).

but accepts that non-state actors may have a significant role to play' (Evans, 1993:16). In emphasising the idea of cooperative security, Simon (1998:209) also, from a liberal view, pointed out that the creation of joint cooperative military actions, as well as trust and transparency measures would be conducive to the creation of mutual confidence, which would ultimately make the idea of cooperative security possible through the ARF.

However, Acharya (1997a:343; 2001:174-177), from a constructivist approach, argues that the ARF is not just material and interest-driven but ideational and identity-driven as well. Instead of limiting the focus to the structural and material substance of the ARF, he emphasises the importance of the process through which multilateral interactions take place. Hence, he highlights the ideas, cultural norms, and collective identity which play a significant role in understanding the ARF process. In so doing, he contends that the uniqueness of the ASEAN Way is imprinted in several aspects of the evolutionary process of the ARF.

Since the inception of the ARF, the ASEAN member states pursued a leading role in the ARF. Although the non-ASEAN states in the ARF expressed unhappiness about ASEAN's proprietorial claim to the ARF, for the great powers, there were a number of benefits to following ASEAN's lead in the creation of the ARF⁷⁰(Narine, 2002:111). Yet, there are also different views pertaining to the leading role of ASEAN in the ARF. For instance, as Leifer (1996:41) noted, the non-ASEAN states conceded the title 'ASEAN Regional Forum' as a transitional measure only, expecting that in time the structure would become known as the Asian Regional Forum, reflecting its true scope and membership. Nonetheless, it is important to point out that ASEAN is basically cautious of extra-regional proposals for regional order because of historic vulnerability to manipulations by external powers, including those considered to be their security guarantors (Ba, 1997:644-645). Furthermore, in launching the ARF and setting its initial direction, according to Acharya (1999b:65), ASEAN exercised a form of 'soft-power leadership'⁷¹ which may be regarded as an important feature of the ASEAN Way in

⁷⁰ ASEAN had a much better chance of getting China to the multilateral table than any Western-inspired institution; and China has been willing to uphold ASEAN's leadership role in the ARF (see Narine, 2002:111-112).

⁷¹ 'ASEAN's interest in the ARF was prompted by a realisation that a multilateral forum launched proactively under its own sponsorship would enable it to moderate the rivalry among the region's major powers, the US, China and Japan, and prevent them from ignoring the

terms of the norms of consultations and consensus. Within this context, Anthony (2003a:9) argues as follows:

These (ASEAN's) mechanisms [of the ASEAN Way] can therefore be categorised as low-key security approaches that promote trust and confidence-building through established habits of dialogue, observance of regional norms and the building of loose/informal institutions to support these process-oriented approaches to preventing regional conflicts.

From the outset of ARF, the ASEAN members strived to transplant ASEAN norms onto the evolutionary process of the ARF. More specifically, the norms enshrined in ASEAN's Treaty of Amity and Cooperation (TAC), along with a number of ASEAN conventions, served as the essential bases of the ARF's process in its formative years. Of particular note is a document titled 'The ASEAN Regional Forum: A Concept Paper' prepared by ASEAN in 1995. The concept paper highlights a 'gradual' and 'evolutionary' approach to security collaboration: the paper stipulated that the ARF's rules of procedure should be based on ASEAN principles and practices and that decisions should be made by consensus (and without voting) after cautious and extensive consultations; it also adopts comprehensive security approaches covering military and non-military issues (see ASEAN, 1995a).

Moreover, the concept paper envisages three stages of security cooperation: confidence-building, preventive diplomacy, and conflict resolution. However, the paper shows that there are unclear distinctions between confidence-building measures (CBMs), preventive diplomacy (PD) and conflict resolution. In other words, CBMs and the other measures are overlapping in terms of the common use of norms such as non-interference and non-use of force in each measure (see ASEAN, 1995a). Furthermore, while CBMs and PD measures may contribute to preventing conflict, the issue of conflict resolution can be regarded as one of the most contentious aspects on the security agenda of the ARF. Attempts at resolving existing territorial disputes such as the South China Sea conflict among the ARF members can threaten regional order (Acharya, 2001:177;1997b:10-32; see also 6.3.1).

security interests of the region's weaker states' (see Acharya, 1999b:65).

Nevertheless, despite a number of practical defects in the concept paper for the ARF, it should be noted that because the ARF is an ASEAN-led process, the development of the ARF will follow an evolutionary approach. As indicated in chapter 4, the origin and evolution of ASEAN – in particular, the development of its norms and principles – provide a clear understanding on how the ARF will be likely to evolve as a multilateral security forum in the years ahead. In this sense, it is important to note that the concept paper used the term ‘participants’ for differentiating it from the status of membership associated with ASEAN.

Under ASEAN’s direction, the ARF opted for a thin institutional structure consisting of its annual foreign ministers conclave, as well as the Senior Officials Meeting (ARF-SOM) that precedes it by a few months. Moreover, through its annual ministerial meetings, the Senior Officials Meetings (SOMs), the inter-sessional activities and the numerous Track I and Track II meetings, the ARF has formed a series of formal and informal networks across the Asia Pacific region. These networks in turn have created important ‘social capital’ – a bundle of trust, familiarity, ease and comfort – which could become a significant asset at critical periods of conflict prevention and management (Anthony, 2003a:10-11).

Given that the ARF decisions are also determined by consensus and not by unanimity, the rule of consensual decision-making is a logical mechanism for reassuring member states that the institution will ‘not undermine sovereignty nor impinge on national unity’ (Johnston, 1999:298). It is argued that in the context of pluralistic cultures, consensus decision-making is viewed as proper because it lessens inter-group conflicts (Johnston, 1999:296-298). Being suspicious of rigid multilateral institutionalisation, China also supports ASEAN’s approach to pursuing a careful and incremental progress in the ARF’s security agenda, in contrast to the fast-track approach favoured by the ARF’s Western members (Acharya, 2001:174). Moreover, the ARF rejected the idea of a secretariat, although especially in the wake of the Asian economic crisis, proposals for an ARF secretariat were made (Acharya, 2001:183). Since the inception of the ARF, therefore, it can be argued that with eschewing rigid institutionalism and accepting informality, the ARF was affected and shaped by important characteristics of the ‘ASEAN Way’.

It is clear that ASEAN has been quite successful in promoting its norms and principles in the ARF. However, some scholars are sceptical about the idea of the ‘ASEAN Way’

within the ARF. For instance, Evans (2000:158) stressed that the ASEAN model on the Asia Pacific multilateral security approach is 'neither as consistent nor as static as it first appears'⁷². Furthermore, Leifer (1996:55) acutely criticised the ARF as a 'highly imperfect diplomatic instrument for coping with the new and uncertain security context'. Nonetheless, Acharya (1997a:343) supported the future prospects of the ARF in line with the ASEAN Way's value as follows:

The ASEAN Way, despite its practical limitations, has been a useful symbol for regional policy makers to advance their process of socialisation. It has helped ... us to understand not only why multilateralism is emerging in the Asia Pacific right now, but more importantly, which type of multilateralism is emerging and will prove viable in the end.

From the perspective of ASEAN members, it is evident that the emergence of the ARF is identity-driven⁷³ although the members were also motivated by material interests in search for a multilateral security framework for the region. Indeed, the 'ASEAN Way' can, in particular, be regarded as the socialising mechanism for ASEAN in the context of engaging other countries in the region, most notably China, in the process of security dialogue (see 6.3.1.1; and 6.3.1.2).

Yet, for ASEAN, there have been unfruitful attempts to respond to the late 1990s' crises caused by internal and external forces, which threatened to diminish the credibility of its norms and leading role in the ARF. Under the circumstance, Narine (2002:33; 106-112) repudiates the utility of the 'ASEAN Way' implanted in the ARF. He argues that the viability of the ASEAN Way was limited to intra-ASEAN relations in the Cold War era and earlier times. In a new context of a multilateral security forum demanding incrementally binding and strong institutionalised structures, the ASEAN Way will be symptomatic of the non-ASEAN states' growing complaints caused by the inefficiency and weakness of these institutions. In terms of the politics of the ASEAN Way, nevertheless, it is important to note that the ASEAN members have kept emphasising

⁷² In this sense, Evans (2000:158) argues that the 'ASEANisation' thesis on the current phase of the ARF could be exaggerated.

⁷³ The emergence of Asia-Pacific multilateral institutions (ARF) is 'not just interest-driven, but identity-driven' (see Acharya, 1997a:319-346).

the value of enhancing not only collective identity within the region, but also the norm-driven regional ideas as a means of ASEAN's mechanisms of conflict management.

In the post-Cold War era, meanwhile, the ASEAN member states were confronted with the prospect of diminishing superpower rivalry in the region. Simultaneously, the ASEAN states came to acknowledge the rising military and economic power of China. Because of its potential economic and military power, China would eventually pose the biggest challenge to Southeast Asia as well as the Asia Pacific system. Despite the position of the United States as *de facto* global hegemon, almost everyone agrees that China is a rising power in the world: whether to accommodate, contain or resist China will depend on future developments that none can foresee, including Chinese ambitions, the policies of other international players (the U.S., Japan), and the cohesion or fragility of the ASEAN member states (Stuart-Fox, 2004:116). As Chinese power grows, therefore, the challenge of China would be felt seriously by the ASEAN states because China, according to Singh (1997:131), 'is not far away but shares borders with Southeast Asia, indeed has territorial disputes with Southeast Asian countries in the South China Sea'.

6.3 Conflict Management in the ASEAN Region

Given the above circumstances, in terms of inter-state conflicts in the ASEAN region, section 6.3.1 will focus on how the ASEAN member countries attempted to utilise the Asia-Pacific multilateral forum (ARF) in dealing with the scope and any possibility that China might resort to the threat or use of force to enforce territorial and jurisdictional claims in the South China Sea against ASEAN claimants. In terms of intra-state conflicts in the ASEAN region, thereafter, section 6.3.2 will explore whether and to what extent the ASEAN states responded to the East Timor crisis so as to illuminate the implications of approaching intra-state conflict management in the region. Given the politics of the ASEAN Way as a response to regional security problems, it is opportune to examine the way, approach and *modus operandi* of addressing the intra-state conflict as well as inter-state conflict in the ASEAN region. In this context, both the South China Sea conflict and the East Timor crisis will be conducive to understanding not only the type and style, but also the extent and scope of the ASEAN's mechanisms of conflict management in the region (see 6.3.1 and 6.3.2).

6.3.1 The South China Sea Conflict (1992-2004)

6.3.1.1 Historical background: the origin and evolution of the conflict

The South China Sea is an area of competing claims involving China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines in which the determination of sovereignty has become significant for the ability not only to seize a point of military-strategic importance, but also to exploit oil, gas, and fishing resources⁷⁴. The military and economic values of its geographical location as well as at least 6 countries' competing claims of the area has posed a great threat to the peace and security of the Southeast Asian region. China, Vietnam and Taiwan have been the most aggressive in pursuing their claims. Much of the ASEAN states' current conflict with China revolves around Chinese behaviour in the disputed Spratly Islands⁷⁵. China's claims to the area were initially motivated by the rights on historical grounds to regain the 'lost territories' taken from China during its humiliation under the colonial powers in the 19th century (Buszynski, 2003:346). In this context, Chinese officials argued that 'at least as early as the Song Dynasty (960-1279 AD), the Chinese government had already ... included the (Spratly and Paracel) islands as part of its territory without being challenged by any other state⁷⁶ (Sheng, 1995:2). However, Malaysia, Brunei and the Philippines, being

⁷⁴ 'To safeguard their respective claims to territory, the claimants tried to support their claims in many ways – using military force, showing the flag, ..., establishing structures and markers on islands, ..., enacting laws, ..., publicising maps showing claims, releasing historical documents to substantiate claims, allowing tourists and journalists to visit 'their' islands, and granting concessions to oil companies' (see Valencia, 2001:528-529).

⁷⁵ The Spratly Islands are an archipelago stretching across more than 250,000 square kilometres of the South China Sea, consisting of more than 230 landmasses. The Spratlys are claimed by China, Taiwan, Vietnam, the Philippines, Brunei, and Malaysia. In particular, China claims exclusive sovereignty over most of the Spratlys. However, Vietnam controls 21 to 24 islands in the Spratlys, China 9, Taiwan 1, the Philippines 8, and Malaysia 5. The Paracel and Pratas island groups in the South China Sea are also under dispute but are under the effective control of China and Taiwan, respectively (see Chang Pao-Min, 1990:20; Valencia, 2001:528).

⁷⁶ Vietnam also bases its South China Sea claims on similar historical grounds and rights of discovery. Hanoi argues that the Vietnamese were 'the first to discover them in the 7th century and has been exercising its genuine ownership over them in a continuous and peaceful manner'. Vietnam also claims that France annexed the Spratlys and Paracels in the 1950s, which Hanoi

littoral states, claim parts of the South China Sea not on the basis of historical grounds, but changes in international law, which 'provides the legal basis for coastal states to assert national jurisdiction over extended seas beyond the traditional three-nautical mile limit to twelve-nautical miles, as well as the right to exploit ocean resources up to the two-hundred-nautical mile Exclusive Economic Zone (EEZ) and the Continental Shelf' (Mak, 1994:3).

Despite its potential conflict, nevertheless, the competing claims in the South China Sea have not caused large-scale military operations or actions by any party⁷⁷. During the Cold War period, all the claimants were obsessed with other imminent and pressing events in the region, including the Cambodian Conflict related to communist victories in Indochina. However, the year 1992 changed the landscape of the South China Sea dispute.

In February of 1992, Beijing issued the 'Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone'⁷⁸. Through this controversial territorial law, Beijing attempted to reaffirm that all of the territorial waters of the South China Sea belong to the People's Republic of China (PRC). Since the passage of the law, ASEAN has been alarmed and impressed with China's aggressive intentions. Without worrying about superpower intervention, China could obtain greater influence in regional affairs in 1992 when US military presence withdrew in Southeast Asia following the closing of US bases in the Philippines in 1991, as previously noted. This implies that US military disengagement from Southeast Asia provided much bigger flexibility and opportunity for China, a situation that it used to enact the 1992 Law on Territorial Waters and the Contiguous Zone.

However, the decisive motivations for enacting the law were not only a geo-strategic change of the Southeast Asian regional context (which created a more favourable

acquired through a cession treaty with the French in 1956 (see Sheng, 1995:2).

⁷⁷ Any skirmishes over the South China Sea that did occur were between Vietnam and China, as had happened in 1974 and 1988.

⁷⁸ In Article 10 it is asserted that Beijing will be allowed to order the immediate eviction of foreign naval vessels from the area. Article 14 confirms Beijing's right to exercise sovereign authority over its territorial waters and contiguous zone using military ships and aircraft (see Stockwin, H. 1992).

environment for Chinese foreign policy), but also the 1982 United Nations Conference on the Law of the Sea (UNCLOS), which was to become effective in 1993. The UNCLOS gave maritime (ASEAN) states the chance to extend their jurisdiction over territorial waters. It appeared to motivate Beijing to reaffirm its claims to all of the South China Sea before the law took effect (Ferguson, 2001:127-130). The 1992 legislation, by implication, was created to pre-empt all of which are littoral or island states by way of preventing the other parties from claiming that the sovereignty of their EEZs or continental shelves were uncontested.

The 1992 Chinese Law on Territorial Waters and the Contiguous Zone prompted ASEAN to issue the ASEAN Manila Declaration on the South China Sea in July 1992, which was hailed as an initial step toward peaceful settlements of feasible conflicts and rules governing the use of natural resources in the area. The declaration stressed the 'necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force', and urged 'all parties concerned to exercise restraint' (Morse, 1992:2-3). Moreover, in the 1992 Manila Declaration on the South China Sea, ASEAN introduced 'a code of international conduct over the South China Sea'. Indeed, the declaration pointed to a number of functionalist issues as motives for the code of conduct. In reality, yet, the declaration was not considered to be a substantial step toward functional cooperation (Palmujoki, 2001:67-68). Notwithstanding the first ASEAN Declaration on the issues of the South China Sea, ASEAN faced difficulty in projecting a united front on this issue because of the ASEAN states' own competing claims on the Spratlys, as well as their weak (military) powers *vis a vis* a China's strong (military) power which were shown in China's occupation of the Mischief Reef in 1995⁷⁹ (Felker, 2001:225-226).

Given the circumstances above, it seems that ASEAN countries do not have a common perception of what is in their national interest relating to China in particular terms of the South China Sea conflict. In this sense, it has been argued that the pursuit of national interest and the division amongst the member countries 'has the potential to fracture ASEAN' as a regional organisation (Narine, 2002:91). In fact, the ASEAN states are attempting to keep all their choices open. They are engaged in economic relations with China, even as they not only strengthen their ties to other powers, but also promote

⁷⁹ The Chinese action on Mischief Reef in 1995, claimed by the Philippines, marked the first encroachment by China into an area claimed by an ASEAN member (*cf* Acharya, 2001:135).

regional unity. Therefore, ASEAN's ambivalence on the South China Sea issue highlights the divergent interests and perceptions regarding China within the organisation, which may 'cripple ASEAN's ability to reach a consensus on how to deal with China' (Narine, 2002:91).

Under these vulnerabilities of ASEAN in forming regional solidarity vis-à-vis China, with the exception of Brunei, all of the claimants deployed troops to the Spratlys and undertook other measures to promote their claims to sovereignty⁸⁰ (Narine, 2002:89). As noted above, therefore, it is evident that the South China Sea conflict has been a primary consideration behind the military modernisation programmes and contingency planning of the ASEAN states (Acharya, 2001:136). Yet, China's actions attract more coverage than those of the ASEAN claimants, thus creating the myth that only China is engaged in occupation of islands in the South China Sea. This fact has indicated, according to Collins (2000:146), that 'the legacy of China's history, its irredentist ambitions in the South China Sea and the growth in its economic and military power point out that China is emerging in Southeast Asia as the regional hegemon'. Within this context, Roy (1995:53) further argues as follows:

[P]erhaps the strongest reason to consider China the most likely contender for regional hegemony in the near future is that intentions usually follow capabilities., China will probably possess unprecedented capabilities, including both the largest population and the largest economy in the world.

Since the outset of the ARF, nonetheless, ASEAN, composed of relatively weak states, has gradually sought to make China comfortable to be engaged in the multilateral forum. As mentioned previously, ASEAN has been quite successful in promoting its norms and principles in the ARF so that China supports the ASEAN's approach to

⁸⁰ In addition to the Chinese claim, as previously noted, ASEAN states also lay claim to parts of the South China Sea. The occupation of islands in the South China Sea was begun by the Philippines in the early 1970s, and by 1974 Manila had stationed troops on five islands. Vietnam began occupying islands after reunification in 1975 and continued in the 1980s, taking their number to over 20. By 1996, Vietnam occupied 25 islands with 600 troops. Malaysia began its occupation in the 1980s when it occupied three islands and by 1996 had deployed 70 troops. (see Collins, 2000:145; 219).

pursuing a careful and incremental progress in the ARF's security agenda. Furthermore, ASEAN has kept emphasising and promoting regional solidarity with a view to engaging China in the ARF, particularly on the issues of the South China Sea. Therefore, although there exist variations in the perspective of ASEAN members on how to deal with the South China Sea conflict (Lee Lai To, 1995:531-543), ASEAN has attempted to manage the conflict through engaging China instead of containing by any means, which will be further explored in the next section.

6.3.1.2 ASEAN's Approaches to the South China Sea Conflict: Inducing China to be engaged in the ARF

Under the emerging hegemony of China (a new regional power after the Cold War) in the Southeast Asian region, as mentioned above, ASEAN tried to deal with the issues of the South China Sea on the agenda of the ARF, despite a strong initial opposition to it by China. Whereas ASEAN pursued a multilateral approach to the territorial dispute in the South China Sea at the ARF meeting, China was reluctant to accept the inclusion of the dispute on the ARF's agenda asserting that the ARF could not be a proper instrument for handling contentious issues and that it preferred to deal with the dispute through bilateral negotiations (Leifer, 1999:32). In fact, despite China's opposition to 'internationalising' the issues of the South China Sea at the ARF meeting, ASEAN managed to raise these issues in the 1995 meeting of the ARF (Narine, 2002:89).

Interestingly, although ASEAN tried to collectively mobilise a multilateral approach to the South China Sea dispute, indeed, bilateralism has been historically more comfortable with ASEAN's experience of not managing contentious issues within the formal ASEAN framework. As mentioned in chapter 4, the history of ASEAN proves that bilateralism has been the preferred mode of conflict management and conflict resolution among the ASEAN members. For examples, the ASEAN states have never invoked a provision for the establishment of a multilateral 'high council' in order to consider intra-regional disputes. Territorial disputes between Malaysia and Singapore (Pedra Branca), Malaysia and Indonesia (Sipadan and the Ligitan Islands), and Malaysia and the Philippines (Sabah and the Sulu Sea maritime borders) are handled through informal and *ad hoc* bilateral contacts or through established bilateral institutions such as the Thai-Malaysia and Indonesia-Malaysia border committees (see Chapter 4). In the wider Asia-Pacific context, moreover, bilateral approaches to conflict-management continue (for the time being) to be more practical than multilateral, as is

evident in the case of US-North Korean non-proliferation negotiations (Acharya, 2003:193-194; 218; 1995:196).

For the purpose of attaining the norms of informality, non-confrontation and non-use of force in line with the primary norms of the ARF supported by the 'ASEAN Way', therefore, ASEAN countries have had to utilise a double-edged sword approach to the South China Sea conflict. That is, the approach that ASEAN tried to use was informally pursuing bilateralism in order to prevent contentious conflict with China, at the same time, formally opting to use the multilateral forum (the ARF) for resolving the dispute in an incremental progress. As a result of these approaches to the conflict, in 1997, ASEAN proceeded to consider a Chinese draft proposal for a framework for political and economic cooperation, which involved 'norms of conduct' for their relations and guidelines for the peaceful settlement of the South China Sea disputes: thereafter, a draft code of conduct circulated by Manila at the ASEAN Foreign Ministers Meeting in July 1999 was deemed to have been too legalistic; it took the form of a formal treaty, while other members preferred to take the form of guidelines more consistent with the ASEAN Way (Acharya, 2001:135). However, it was not clear how the code of conduct would differ from the 1992 ASEAN Declaration on the South China Sea and the 1997 ASEAN-China joint statement on the South China Sea, though the Philippines suggested that the code would be a more binding instrument. China, nonetheless, has described the code as a political rather than legal document (Narine, 2002:88).

Importantly, ASEAN has, to some extent, been successful in managing the South China Sea conflict. With both multilateral and bilateral approaches to China in the disputes, that is, ASEAN could bring the disputes into the 'international limelight suggesting a diplomatic cost for Beijing should it use force' (Acharya, 2001:135). In particular, ASEAN has gained some successes in dealing with China in terms of the South China Sea issues following the ASEAN Declaration (on the Conduct of Parties in the South China Sea) which was signed at the 8th ASEAN summit at Phnom Penh in November 2002. The signing of the Declaration, according to Philippine Foreign Affairs Secretary Blas Ople, 'was a major leap for peace, stability, and development in our region' (Quoted in Solidum, 2003:110). In reality, it is significant that China has joined the ASEAN Declaration on the Conduct of Parties in the South China Sea. Among others, the declaration provides as follows:

- the Parties reaffirm their determination to consolidate and develop the

- friendship and cooperation among them to promote a 21st century-oriented partnership of good neighbourliness and mutual trust;
- the Parties need to promote, friendly and harmonious environment in the South China for the peace and prosperity of the people;
 - the Parties desire to enhance favourable conditions for a peaceful and durable solution of differences and disputes among countries concerned;
 - the Parties are committed 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 recognised principles of international law which serve as the basic norms of state-to-state relations;
 - the Parties affirm their respect and commitment to the freedom of navigation in and over flight above the South China Sea as provided by the principles of international law;
 - the Parties concerned shall resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through consultations and negotiations by sovereign states directly concerned in accordance with the principles of international law;
 - the Parties shall exercise self-restraint in the conduct of activities that would escalate disputes and affect peace, refrain from action or inhabiting the presently uninhabited areas, and handle their differences in a constructive manner;
 - pending the peaceful settlement, the Parties concerned will seek ways to build trust and confidence among them, including dialogues between their defence and military officials, just and humane treatment of all persons in distress;
 - pending settlement of the disputes, the Parties concerned may undertake cooperative activities. These include (a) marine environment protection, (b) marine scientific research, (c) safety of navigation and communication at sea, (d) search and rescue operations, and (e) combating transnational crime, such as illicit drug-trafficking, piracy, armed robbery at sea, and illegal traffic in arms;
 - the adoption of the Code of Conduct in the South China Sea will promote peace and stability in the region and the Parties concerned agree to work on the basis of consensus (see ASEAN, 2002).

As shown in the Declaration above, in particular, it is important to note that ASEAN has continually stressed the basic norm of the peaceful settlement of disputes which is

enshrined in the 1976 Treaty of Amity of Cooperation (TAC) in managing regional conflicts (see Chapter 4). Since ASEAN has particularly urged China to accede to the TAC in managing regional conflicts, including the South China Sea conflict⁸¹, in fact, ASEAN was successful in making China to accede to the TAC on 8 July 2003. As mentioned in section 6.2, the ARF, at its inaugural meeting in 1994, 'endorsed the purposes and principles of the TAC as a code of conduct governing relations between states and a unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation' (ARF, 1994). During the ASEAN Summit in Bali in 2003, moreover, the ASEAN member states continued to stress the importance of the TAC with a view to promoting peaceful settlement of disputes. According to the Declaration of ASEAN Concord II (officially known as the Bali Concord II), which was signed at the 9th ASEAN summit in Bali in October 2003, '[t]he TAC is the key code of conduct ... for the promotion of peace and stability in the region'; '[ASEAN] is ... outward looking in respect of ... engaging ASEAN's friends and Dialogue Partners, [including China], to promote peace and stability in the region, and shall build on the ARF to facilitate consultation and cooperation between ASEAN and its friends and Partners on regional security matters'⁸² (ASEAN, 2003). At the ARF Ministerial Meeting in July 2004, furthermore, reiterating the importance of the implementation of Declaration on the Conduct of Parties in the South China Sea, the Ministers underlined the importance of confidence building and the need to explore ways and means for cooperative security activities particularly between ASEAN and China, thus creating favourable conditions for settling disputes in South China Sea peacefully (ARF, 2004).

⁸¹ In fact, ASEAN within the ARF was successful in making several states outside Southeast Asia (namely, China, India, Japan, South Korea, Pakistan, Papua New Guinea and the Russia) accede to the Treaty of Amity and Cooperation in Southeast Asia (TAC) (see Chairman's Statement: The Eleventh Meeting of ASEAN Regional Forum. Jakarta, 2 July 2004. Internet: <http://www.aseansec.org/16246.htm>. Accessed: 3 September 2005).

⁸² At the Seventh ASEAN-China summit on 8 October 2003 in Bali, the Plan of Action was formulated to serve as the 'master plan' to deepen and broaden ASEAN-China relations and cooperation in a comprehensive and mutually beneficial manner for the next five years (2005-2010) with a particular view to implementing the Declaration on the Conduct of Parties in the South China Sea (see Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity. Internet: <http://www.aseansec.org/16806.htm>. Accessed: 3 September 2005).

Given the circumstances described above, it can be assumed that ASEAN kept assuring and reassuring the meaning and value of such regional norms as pacific settlement of disputes in order to socialise China to incrementally be tamed within the context of the ASEAN Way. Most important was the achievement of ASEAN to continually pursue its 'unique multilateralism' which was linked to the idea of the 'ASEAN Way'. In terms of the multilateralism in the ARF as an approach to the Asia-Pacific regional order, the nature of multilateralism in the region is quite different from the nature of multilateralism in Europe. According to Narine (2002:103), the ASEAN member countries initially asserted that Asia was too heterogeneous and diverse for the multilateralism of Western style to work⁸³.

Moreover, in Europe, multilateralism (especially through the Conference (later, Organisation) on Security and Cooperation (CSCE/OSCE)) contributed to the process that resulted in the end of the Cold War: in the Asia-Pacific region, however, the concept of multilateralism began to attract attention only after the end of the Cold War,

⁸³ Some basic differences between Europe and Asia can be identified as follows:

- formal confidence-building measures (CBMs) are not suitable to the Asian strategic culture because the notion of 'confidence-building', as developed in the Cold War European context, can mainly apply to a relationship among 'adversaries'. But Asians lack the true 'adversaries' among themselves, which can be reflected from the non-alignment stance of many Asian states. Rather, their ties, which are more complex and ambiguous than those of Western security-related nature, make it difficult to institutionalise security cooperation of the kind and level common to the OSCE (Organisation on Security and Cooperation), such as formal CBMs;
- all OSCE member states are committed to the promotion of democracy and human rights. This is clearly not the basis of the ARF, given that a number of members including Myanmar, Cambodia and Laos are not fully committed to promoting human rights as a matter of policy;
- notwithstanding national differences, Europe has a strong sense of regional identity centred on common interests, which is lacking in Asia. The latter region's diverse culture, geography, history and ideology, and its compressed timeframe for regionalism make the construction of common interests rather difficult (see Tan See Seng et al, 2002;56-57).

and it is only at the initial stage to be developed from such norms and/or ideas of the ASEAN Way as a minimal institutional framework (Acharya, 2003:187-188; also 1995:198). Furthermore, multilateralism in the Asia-Pacific is primarily seen not only as a reaction to 'growing regional insecurity' of the post-Cold War period, but also as a measure to 'pre-empt others from imposing a non-ASEAN framework on Southeast Asia' (Ba, 1997:644-645). Thus, unlike Europe, multilateralism in the Asia-Pacific is being focused on 'how to deal with the strategic uncertainties of the post-Cold War rather than on a set of specific goals or institutional structures demanding legal agreements' (Acharya, 1995:198).

Although Western powers attempted to impose their own concepts and frameworks on the ARF, ASEAN rejected it and seized the ARF within the ASEAN initiative. The reason why ASEAN objected to other – especially Western – powers' wishful approaches to constructing multilateralism in the Asia-Pacific region is explained by Ba (1997:645) as follows: 'Southeast Asia's historic vulnerability to external domination could make ASEAN ... suspicious that other powers, even their great power guarantors, do not have Southeast Asia's best interests in mind'. With persistent adherence to the Asian way of multilateralism in the ARF, ASEAN endeavoured to induce China to be engaged in the forum. In that regard, the ASEAN member states agreed that the most desirable approach to China, especially in dealing with the South China Sea conflict, should be the strategy of engagement, rather than containment. In this context, as Acharya (2003:210) notes:

ASEAN cannot pursue a containment strategy because the collective capabilities of its members ... will not match the military might of China. A containment strategy requires ASEAN to become a military alliance ... [which] ASEAN ... continue to reject in no uncertain terms. For ASEAN, ... accepting a containment strategy under the US leadership will be ... acknowledging the limitations and failure of ASEAN's own political approach to regional order, which is based on the principles of inclusiveness and 'cooperative security' ('security with', as opposed to 'security against', a likely adversary).

With regard to the engagement of China in the ARF, especially in dealing with the South China Sea conflict, China also recognised that a code of conduct resulted from the ASEAN Declaration at the 8th ASEAN summit in 2002 could benefit the Chinese in

terms of reducing the risk of conflict in the area, which could involve the U.S in the dispute. In fact, the experience of Taiwan during 1995-1996 demonstrated to China that the assertion of territorial claims may provoke U.S. involvement, and could encourage ASEAN to collectively oppose the Chinese (Buszynski, 2003:357). Moreover, China's economic development strategy⁸⁴ cannot be sustained in an environment of regional tensions, which would be inevitable if China is to embark on military expansion. This perspective holds that China's military control over the South China Sea is not yet paramount, and that Beijing cannot exploit the resources in the area without Western technology and capital (Acharya, 2003:204). Therefore, the South China Sea has become strongly connected with other issues which restrain China from acting unilaterally to assert its claims, despite its initial intentions.

Yet, although materialist explanations such as the shift of the power structure and the challenges of the geo-economic strategy in the post-Cold War era can be conducive to understanding the emergence of the ARF, those rationalist and materialist factors alone are not sufficient to explain the genuine mechanism of multilateralism in the forum. As mentioned earlier, the major character of multilateralism in the Asia-Pacific region has not only been 'process-driven', but also 'identity-driven'. The ARF could focus on a 'sociological and inter-subjective dynamic, rather than a legalistic and formalistic one' (Acharya, 2003:248). ASEAN's response to the emerging threat of China in dealing with the South China Sea issues was oriented toward gradual and informal approaches to constructing regional security cooperation and regional identity through consensus out of disparate interests and concerns. In this context, it can be argued that ASEAN has attempted to expand the regional idea and concept 'from the ASEAN Way to the Asia-Pacific Way' in the post-Cold War era (Acharya, 2003:242-275).

Therefore, several motivations of both material and ideational interests on the ASEAN's part as well as China's part, as previously noted, are symptomatic of the impact of the ASEAN Way on initiating and advancing the ARF in terms of the informal and identity-driven negotiations which emphasise the circumspect and gradual betterment in the

⁸⁴ The major concern of China's leadership is with economic reform and domestic stability rather than with external military expansion (see Acharya, 2003:203-204). Hence, China currently necessitates ASEAN cooperation over the implementation of the ASEAN-China Free Trade Agreement signed in November 2001 and hopes to utilise ASEAN to balance both the U.S. and Japan in the region (see Buszynski, 2003:357).

new multilateral approach. In the post-Cold War period, that is, with the mode of the ASEAN Way, ASEAN has attempted to use multilateralism with a view not only to taming, but also to socialising China to be engaged within the new Asia-Pacific multilateral forum.

6.3.2 The East Timor Crisis (1999-2000)

6.3.2.1 The Australian-led Intervention in East Timor: Legitimising the operation

As mentioned in the introduction to this chapter, the release of the overlay effects of the Cold War on the Southeast Asian regional dynamics (for example, US military retrenchment with the closing of US bases in the Philippines) resulted in strong local consequences. It is argued that 'a much weakened superpower presence leaves more room for local security dynamics to take their own shape and to operate more on the basis of local resources, issues, and perceptions' (Buzan et al, 1998:66) than had been the case during the Cold War. At the turn of the new century, this argument was especially pertinent to the case of East Timor (1999-2000) in Southeast Asia.

East Timor was part of the Portuguese colonial empire for over a century when Portugal decided to withdraw from the island in 1975. On November 28, 1975, the Timorese Social Democratic Association (ASDT, later the Revolutionary Front for an Independent East Timor – FRETILIN) had gained ascendancy on East Timor and proclaimed East Timor's independence as the Democratic Republic of East Timor (Thomashausen, 2002:117-118). However, on December 7, 1975, Indonesia annexed East Timor by force⁸⁵. This set the stage for the long, bloody and disastrous occupation of the territory that ended only after an international peacekeeping force was introduced in 1999 (The National Security Archive, 2000).

On September 15, 1999, the UN Security Council adopted Resolution 1264, creating the International Force for East Timor (INTERFET) under Chapter VII of the UN Charter.

⁸⁵ Indonesia invaded and occupied East Timor in 1975. Indonesia considered Portugal's withdrawal from East Timor as a chance to extend its sovereignty and economic benefits: 'East Timor was known to have rich oil and gas deposits just off its coast, while there was also a potentially lucrative coffee and sandalwood trade on the island' (see Thomashausen, 2002:117).

In doing so, the UN Security Council authorised INTERFET to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor (UNAMET)⁸⁶, and to facilitate humanitarian assistance operations⁸⁷. This resolution provided the legal basis for INTERFET's enforcement action in East Timor. Launching INTERFET can largely be regarded as a 'peace enforcement' operation which occurs in which the UN Security Council authorises the use of force to protect non-combatants and humanitarian aid workers, and/or to enforce compliance with internationally sanctioned resolutions or agreements⁸⁸. According to Osman (2002:14), a peace enforcement operation would be mobilised to 'restore democracy, combat international terrorism, and hunt down warlords ... [which] have been deemed necessary to combat threats to international peace and security'.

However, UN Security Council Resolution 1264 did not project a UN intervention force, but rather authorised an Australian-led multinational force under a UN mandate to restore peace and security in East Timor (see United Nations Security Council Resolution 1264 (1999), 15/September/1999). In fact, the UN authorised a peace enforcement operation by a multinational coalition of the willing led not by a superpower, but by a middle power. In this sense, McDougall (2001:174) argues that although Australia was adjacent to East Timor, it required the support of the United States to pressure Indonesia to accept international intervention. Moreover, given the fact that Australia as a non-ASEAN member insisted that it would not intervene without a UN mandate, it can largely be assumed that Australia had concerns about INTERFET's international legitimacy (Cotton, 2001:129-132).

Nevertheless, it is important to note that Australia did not lead INTERFET within the UN framework only. In fact, instead of depending wholly on the UN that is legally

⁸⁶ In June 1998, Indonesia proposed limited autonomy for East Timor. An agreement between Indonesia and Portugal reached on 5 May 1999 gave the UN Secretary-General authority to administer a popular consultation among the people of East Timor on the question of limited autonomy within Indonesia. In the 30 August elections administered by the United Nations Mission in East Timor (UNAMET) over 78% of the population voted for independence instead of limited autonomy (see Gill and Reilly, 2000:49).

⁸⁷ See The United Nations and East Timor, Internet: <http://www.un.org.peace/etimor/UntaetB.html>. Accessed: 25 November 2004.

⁸⁸ See Internet: <http://www.un.org/Depts/dpko/glossary>. Accessed: 3 March 2005.

empowered to authorise an international military operation without the consent of the country within which military force is used, Australia also sought to assure INTERFET's legitimacy within the regional context that it would not intervene in East Timor without Indonesian consent (Bellamy et al, 2004:225-226). Indeed, when Australia claimed a leadership role for itself to become more routinely involved in managing regional order, the ASEAN governments considered the claims as inappropriate and protested against the so-called 'Howard Doctrine' (Haacke, 2003:203). In this context, thus, it is implied that Australia was not only insisting on operating INTERFET within the UN framework, but also seeking the consent of the intervened sovereign states, Indonesia.

Initially, in fact, there was great reluctance on the part of Australia's potential coalition partners to an intervention. Indonesian President B. J. Habibie expressed that an international force might be needed to resolve the East Timor crisis if the disorder could not be contained, but he was 'adamant that a unilateral action by Australia would be considered warlike' (Cotton, 2001:132). Although Australia is the regional neighbour of ASEAN member countries, as mentioned earlier, it remains a non-ASEAN member. Moreover, given the fact that ASEAN is very sensitive to the principle of non-interference and/or non-intervention, it makes sense why Australia would not lead INTERFET unless the international force was approved as legitimate at both the regional and international levels. Hence, it is important to note that although the UN as a universal organisation has the potential to embody the international community more convincingly than any other body or group (McDougall, 2001:186), the UN's claim to legitimacy does not seem to be enough for Australia to turn to the UN primarily out of consideration for international law. In this context, Pugh (2003:33-37) argues that 'the UN-regional balance' is an important feature to be considered as an approach to managing and resolving the contemporary conflicts in the world. By implication, that is, it can largely be assumed that peace missions in the post-Cold War era may be successfully carried out within the context of guaranteeing approval, legitimacy and cooperation between the UN and regional organisations.

Nevertheless, both ASEAN and the ARF have been under severe criticism for their inability to address the East Timor crisis. Given a litmus test of its (in)adequacy as a regional institution to act in times of crisis or to prevent crises from happening, in particular, it is argued that the East Timor crisis exposed the ARF as 'nothing more than a talk-shop' (Anthony, 2003a:15). In this context, Anthony (2003b:208) argues that because both ASEAN and the ARF have been suited for managing inter-state relations

such as the Cambodian conflict and the South China Sea conflict (see Chapter 4 (4.5) and 6 (6.2; 6.3.1)), the soft and informal nature of regional mechanisms of ASEAN and the ARF may be 'ineffective and irrelevant to intra-state conflicts like the East Timor crisis which is seen to be requiring decisive action and intervention'.

Under the circumstances, the case of the East Timor crisis presented a key question to be answered: why several countries of ASEAN resolved to join the UN's intervention in the crisis. The participation of ASEAN countries in a UN peacekeeping operation such as the UN Transitional Authority in East Timor (UNTAET)⁸⁹ in what was then officially part of Indonesia requires an analysis of whether and to what extent ASEAN has come to renounce the united support of the non-intervention principle in the ASEAN Way context in the post-Cold War period.

6.3.2.2 ASEAN's Response to the Crisis in East Timor

As previously examined in section 6.3.2.1, in September 1999, the adoption of UN Security Council Resolution 1264 created the International Force for East Timor (INTERFET) under Chapter VII of the UN Charter. Launching INTERFET, which is largely regarded as a 'peace enforcement' operation, paved the way for external intervention into the ASEAN region under the emerging norm of humanitarian intervention with a view to addressing gross abuses of human rights. In this context, it can be argued that the mechanism of 'intrusive regionalism'⁹⁰ within the ASEAN region

⁸⁹ On October 25, 1999, the UN Security Council passed Resolution 1272 to authorise Secretary-General Kofi Annan to establish the UN Transitional Authority in East Timor (UNTAET) in order to 'exercise all legislative and executive authority including the administration of justice' until the state's formal independence (see The United Nations and East Timor, Internet: <http://www.un.org/peace/etimor/UntaetB.html>. Accessed: 25 November 2004).

⁹⁰ 'Intrusive regionalism' may be distinguished from 'inclusive regionalism'. The latter emerged in the early 1990s as an integral element of the principle of 'cooperative security' which rejected exclusionary military alliances and called for multilateral frameworks to all actors. The ARF was the embodiment of the principle of inclusiveness. Intrusive regionalism, on the other hand, calls for closer interaction or cooperation among members of a regional group even though such cooperation may intrude into the domestic affairs of member states (see Acharya, 2003:295-296).

was intensified as a major factor inhibiting the expediency of regional institutions in the East Timor crisis (McDougall, 2001:166-189).

During this period, nonetheless, most of the ASEAN countries regarded the East Timor issue as an internal Indonesian matter in order to maintain ASEAN norms. Within the ASEAN context, in fact, it is important to bear in mind that the primary objective of ASEAN's establishment was, as we have seen in chapter 4, to prevent confrontation between neighbouring countries. Initially, the ASEAN members did not want to have strained relations with Indonesia. Thus, as Dupont (2000:164) notes, ASEAN's belief has always been that keeping good relations with Indonesia as a regional leader must take priority over self-determination for the East Timorese. This conviction was strengthened by two new concerns as the events of 1999 created dilemmas for ASEAN. First, ASEAN feared that East Timor's separation would destabilise Indonesia by promoting other discontented groups to push for independence (Dupont, 2000:164). Second, Malaysian prime minister Mahathir was accusing the West of its hypocritical justification of principles such as humanitarian intervention, and his criticisms brought forth wide sympathy in the region: 'Southeast Asians generally believe that humanitarian intervention could destroy the region's primary non-intervention norm, enfeebling political and social cohesion and allowing the West to call into question the legitimacy of governments and regimes not of their liking' (Dupont, 2000:165).

Indeed, several ASEAN states were, thus, uncomfortable with the UN Security Council's decision on 15 September 1999 to permit UN intervention under Chapter VII of the UN Charter involving 'action with respect to threats to the peace, breaches of the peace, and acts of aggression'. As mentioned earlier, this allowed the formation of INTERFET and its mandate to use force to fulfil its mission. For ASEAN, although there were a number of practical difficulties of undertaking a peacekeeping mission in East Timor, its response to INTERFET proved more robust and substantial than many outside the region expected (Dupont, 2000:163-166). In fact, once INTERFET was deployed, the Indonesian government promoted substantial ASEAN participation in INTERFET because it wanted to minimise Australian influence (Narine, 2002:173). Moreover, in particular, when the UN Transitional Authority in East Timor (UNTAET) formally replaced INTERFET in February 2000, ASEAN officer held the position of Force Commander of its military component, so that ASEAN's involvement was a significant boost to UN peace operations: for instance, a Filipino, Lt. Gen. Jaime de los Santos, became the Force Commander of the UN peacekeeping force, replacing the

former head, Major-General Peter Cosgrove of Australia (Anthony, 2003a:19).

Notwithstanding the fact that the East Timor crisis was ASEAN's opportunity to prove that it could manage regional security problems without relying too much on external actors playing security roles in the region, yet, ASEAN was divided over East Timor: Myanmar, unsurprisingly, opposed any external intervention in East Timor; and Vietnam was unenthusiastic about the UN's regional role (Narine, 2002:173-174). In the wake of the East Timor Crisis, major debate within ASEAN was again ignited and focused on the interpretation of non-interference in the context of East Timor (Dupont, 2000:167) as ASEAN's decision to participate in the UN's intervention significantly impacted on the ASEAN Way as a means of demonstrating sovereignty, as well as regional solidarity.

For the purpose of understanding the implications of the non-intervention principle in the East Timor Crisis, it is necessary to highlight the root-causes of ASEAN to resolve to join the UN peacekeeping operations. For ASEAN members, the major concern was to consolidate ASEAN as a unified group, which was already fractured following the Asian economic crisis. In fact, ASEAN's participation in the international force was only available at the invitation as well as with the consent of Indonesia: that is, the intervention in this context came as a response to a call for support by a member state. Although Indonesia was obliged to accept INTERFET authorised by the UN, as mentioned earlier, in order to reduce the direct role of Australia in INTERFET, the Indonesian government called explicitly for the participation of several ASEAN countries, an action that was viewed as 'making the intervention more palatable for Jakarta' (Haacke, 2003:202). Although the ASEAN states considered the decision to join the external intervention as a disgrace to Indonesia, they realised that the participation in the crisis would eventually be conducive to maintaining 'solidarity with Indonesia' (Haacke, 2003:199). As we have seen in chapter 4, the primary motive for the establishment of ASEAN as a regional group was to preserve a 'regional resilience'. The goal of regional resilience could be attained through a process of promoting good relations between and among the ASEAN members.

Another important motivation for ASEAN to join the international force can be found in the effects of the Asian economic crisis of 1997 which will be explored in the following section. Indeed, the economic crisis undermined, to a large extent, regime security in Southeast Asia. When the mandates for INTERFET and later the UN Transitional

Authority in East Timor (UNTAET) under Resolution 1272 of 25 October 1999 were approved unanimously by the Security Council, Indonesia, weakened by the Asian economic crisis (1997-1998) and thus dependent upon international donors, and in the hands of an uncertain transitional political leadership, approved an intervention (Cotton, 2001:132). In particular, Indonesia's urgent requirement for emergency aid from the International Monetary Fund (IMF) facilitated the external interference and intervention into the internal affairs of Indonesia (Cotton, 2001:133). The worsening economic situation in Indonesia arising from the economic crisis propelled the downfall of President Suharto in May 1998.

Moreover, just as there had been various intergovernmental organisations such as the United Nations and NGOs particularly those involved with human rights, so there was a need for a broader international response in considering the role of 'track-two' institutions⁹¹. The track-two institutions can largely be regarded as instruments for modifying the norms and principles concerning humanitarian intervention (McDougall, 2001:177-187). This implies that although ASEAN was suspicious of Western states' schemes to interfere in the internal affairs of member states using the principle of humanitarian intervention as justification (Dupont, 2000:164), global forces which weakened the regional and national autonomy, were powerful enough to open the way for external intervention.

Nonetheless, it is important to note that although the decision of ASEAN to support UN intervention in the East Timor crisis indicated a significant breach of the non-intervention principle in the ASEAN Way context, it does not simply imply the complete renunciation of the ASEAN Way. Rather, it can be seen as the consequence of

⁹¹ Established in 1993, the Council for Security Cooperation in the Asia-Pacific (CSCAP) consists of institutes of strategic and international studies in a number of the Asia-Pacific countries. Participants are mostly academics and officials who speak in an unofficial capacity (although this can vary depending on the country and individuals in question). CSCAP provides a forum for discussing a range of issues relating to Asia-Pacific security, including questions relating to humanitarian intervention in Southeast Asia. Officials can report CSCAP discussions back to their own governments. Ideas, such as those proposed in this paper, relating to the use of the multiplicity of international organisations with an interest in Southeast Asia for purposes of humanitarian intervention could thus have some impact on the thinking of governments within the region (see McDougall, 2001:187; also Evans, 1994:125-139).

pursuing the political solidarity and economic stability of the region suffering from a shattered economy after the Asian economic crisis in 1997. For the purpose of the political solidarity in the ASEAN region, ASEAN permitted its participation in the intervention within the context of the explicit consent of Indonesia with a view to minimising the foreign domination, i.e. the proprietary role of Australia. This means that during the East Timor crisis, ASEAN endeavoured to keep acting upon the ASEAN consensus which is seen as the basic axiom of the ASEAN Way for the members to pursue.

On the other hand, for the recovery of economic instability of the region, in particular following the Asian economic crisis, ASEAN opted temporarily for compromising the principle of non-intervention. That is, the tentative surrender of the ASEAN Way in the case of East Timor was not mainly the result of the political discord of regional identity, but rather the result of the expediency of the Asian economic crisis associated with global forces, often featured as economic globalisation. However, the East Timor crisis would work as a call for rethinking the limitations and constraints of the principle of non-intervention in solving regional crises for ASEAN.

6.4 Continuity and Challenge to the 'ASEAN Way'

6.4.1 The Asian Economic Crisis and Regional Security: Rethinking the principle of non-intervention

During the Asian economic crisis of 1997-1998, in particular, the emerging norms such as 'constructive intervention'⁹² within ASEAN increased regional disunity and division between and within the ASEAN member states because the norm was mainly regarded as a challenge to regional identity which reflected from the norms of the ASEAN Way such as non-intervention. Nonetheless, the economic crisis which impacted so negatively on the ASEAN region can be viewed as not only a challenge to modify the major framework of the ASEAN institution as the ASEAN Way, but also as an important opportunity to search for an alternative approach to regional security. In line with this

⁹² In July 1997, the deputy prime minister of Malaysia, Anwar Ibrahim, called for 'constructive intervention' within ASEAN. This implied not only closer co-operation between developed and less-developed ASEAN members to promote regional development, but also proactive interventions in the internal affairs of member states (see Narine, 2002:168).

assumption, this section will highlight possible trends towards changes in the regional security mechanism in the ASEAN Way context of the post- economic crisis period.

In fact, the Asian economic crisis which began in mid-1997 brought about gloomy prospects for regional order and stability, at the same time leaving room for rethinking and reshaping security in the region. Yet, most judgments of its political and security implications are likely to be pessimistic. Although the crisis was the consequence of global events and trends rather than just national or regional, the 'contagion' effect of the crisis was most seriously felt in Southeast Asia (Acharya, 2000:154). With regard to the impact of the crisis on regional security, the subsequent economic and political crises following the collapse of the Suharto regime in Indonesia in May 1998, and the intensified mood of [inter](#)-state tension in the region are cases in point.

In this complex and mixed situation of political and economic instability, the crisis greatly injured ASEAN's collective identity and its underlying principles and norms. In 1999, as Singapore's prime minister Goh Chok Tong noted, 'the regional grouping was helpless and disunited in the wake of crisis' (Singapore Window, 1999). This perception of the unravelling of the organisation fundamentally degraded ASEAN's international prestige and self-image. However, the Asian economic crisis also revealed the extent to which the region was attempting to be cooperative in addressing the crisis. Indeed, in the summer of 1999 a new wave of solidarity was clear, resulting from recognition on the part of the countries involved that they were in this together. There was a realisation that the economic recovery of any one country would help other countries in the region emerge from the economic slump to the benefit of all (Ahmad and Ghoshal, 1999:761).

Nevertheless, Narine (2002:166) considered the effect of Asian economic crisis as the disunity of ASEAN in terms of its failure to do anything, thereby compromising its political credibility and the international perception of regional coherence and solidarity. In fact, the economic crisis impacted differently on each country in the region and fragmented the entire regional system⁹³. Of all the ASEAN countries, Indonesia suffered the most severe political outcomes from the economic crisis: indeed, the

⁹³ At the economic level unemployment was its most obvious indicator; at the social level the crisis was marked by the return of migrant labour, impoverishment; and social, political and ethnic unrest (see Palmujoki, 2001:124).

Indonesian domestic situation compelled other ASEAN countries to rethink the basic axioms of ASEAN cooperation with a view to making the organisation operative (Palmujoki, 2001:126-127).

In the ASEAN region, apart from mentioning the prospect of political and social disintegration in Indonesia, Thailand's economic failure also threatened to shake its neighbouring countries, including Vietnam, Cambodia, Laos and Myanmar, which ultimately undermined the hope of fostering the Thai economic and political model in their own countries (Dibb, Hale & Prince, 1998:21). In addition to these factors affecting the security in the region, the economic crisis also has strategic implications in terms of its potential to alter the regional balance of power: Southeast Asia's suspicions of the U.S. role in helping the region out of the crisis, the failure of Japan to provide substantial leadership, and China's willingness to project itself as an emerging power, are 'reshaping perceptions about their relative position and role in the regional strategic equation' (Acharya, 2003:277). In this context, particularly in terms of China's economic potential to have a direct bearing on the stability of the ASEAN economies, Collins (2000:138) argued as follows:

China's decision not to devalue its currency at the height of the economic crisis in 1998 is ... regarded as responsible for heading off a further round of damaging currency devaluation in Southeast Asia. This decision, in conjunction with a contribution of \$ 1 billion to the International Monetary Fund's rescue package for Thailand, created the impression of a responsible economic giant in the decision-making circles within ASEAN. China's economy ... provides Beijing considerable influence in the region.

With the end of the Cold War, as mentioned earlier (see 6.1, 6.2 and 6.3), several scholars already foresaw a decline of U.S. involvement in Southeast Asia and the ascent of China's political and economic ambitions for regional power (Whiting, 1997:299-322). But as the Asian economic crisis demonstrated, China's ability to be a hegemonic power in Asia should not be overemphasised. During the crisis, although the actions including China's pledge not to devalue its currency and its contribution to the IMF-led rescue packages for Thailand and Indonesia underscored China's increasing clout and role in regional economic affairs, these actions were 'shaped primarily by China's own sense of vulnerability to the effects of the crisis'

(Acharya, 2003:282).

In the wake of the economic crisis, in particular, realism as an international relations theory gained substantial popularity to explain and understand the mechanism of the regional security of ASEAN. Ultimately, realism on the rise in this period threatened to weaken the expediency of the ASEAN Way in dealing with the security problems in the region. Of a number of effects of the crisis in terms of the realist perspective, there are two important points to pay attention to. The first feature is a revived phase of trade-related conflicts between the U.S. and East Asian nations, and the second is the increased reliance of the ASEAN countries on the great powers such as the United States in order to enhance national security⁹⁴ (Acharya, 2003:282-285). In terms of the realist perspective, this implies that growing economic interdependence will not necessarily prevent international conflict, but rather it could only result in various conflicts, including trade wars and competition for resources and investment. In this sense, Acharya (2003:285) argues that the ASEAN region's increased sense of reliance on U.S. security protection is offset by disappointment about its dealing with the economic aspects of the crisis: 'the United States may be firmly entrenched as a 'balancer of last resort' in military security, but enjoys less credibility today as a partner in economic security, which is increasingly vital to the Asian countries in an era of globalisation'.

Under the circumstances, in terms of ASEAN's defensive economic security strategy in the pre- and post-crisis era, ASEAN made a number of concrete efforts in line with the continued debate on Asian values and the ASEAN Way. These efforts have included the Asian table of the Asia-Europe Meeting (ASEM) created in 1995 and the ASEAN+3 framework initiated in December 1997 to formalise a version of the East Asian Economic Caucus (EAEC) originally proposed by Malaysia in 1991 (Ferguson, 2001:124). The composition of the Asian countries in the Asia-Europe Meeting (ASEM) resembles that of the EAEC. Malaysia's Prime Minister Mahathir proposed that the EAEC would link ASEAN to China, Japan, and South Korea while excluding the United

⁹⁴ The former, the economic dimension, was caused by the devaluation of the region's currencies which led to a flood of cheap Asian exports to the U.S; the latter, the strategic dimension, can be illuminated in both examples of the Philippines and Singapore which attempted to renew and strengthen their security links with the United States during the crisis (see Acharya, 2003:282-290).

States, Canada, Australia, and New Zealand. In fact, the EAEC was seen as a response to the creation of the Asia Pacific Economic Cooperation (APEC) agreement in 1989, which initially expressed the widening and deepening hegemony of the neo-liberal orthodoxy (mainly advocated by the US and its allies).

In line with the EAEC idea, as mentioned above, ASEAN took another form of cooperation, ASEAN+3 as an immediate reaction to the economic crisis, bringing ASEAN together with China, Japan and South Korea in order to address the region's economic and security issues. In this sense, Beeson (2003:251-268) viewed ASEAN +3 as a potent trend towards 'the rise of reactionary regionalism'. Although the initiative projected an East Asian identity similar to EAEC, the ASEAN+3 is politically less radical than the EAEC (Palmujoki, 2001:88). In this context, Stubbs (2002:440-455) also argues that the ASEAN+3 framework has been provided with a number of commonalities, such as the discourse of Asian values and unique style of capitalism, which can serve as a strong foothold for consolidating a regional identity.

Moreover, as one of major effects of the Asian economic crisis, ASEAN members sought to establish a regional framework which would have helped members to enhance cooperation and facilitation in engaging in 'mutual surveillance' of each other's economic policies and creating a pre-emptive measure of 'early-warning' (Beggars and Choosers, 1997:43). But these efforts did not bear much fruit. Among a number of proposals set up by ASEAN members to manage the crisis within the group, of primary importance was 'to address the question of social safety nets and the construction of ASEAN as a caring society' (Wesley, 1999:59). Yet, initiatives designed to tackle the domestic social welfare concerns of member states ran the risk of compromising ASEAN's principle of non-interference (Narine, 2002:164).

In July 1997 when the Asian economic crisis occurred, as mentioned earlier, the Malaysian former deputy prime minister Anwar Ibrahim called for a policy of 'constructive intervention' within ASEAN. In fact, Anwar Ibrahim argued that 'the ASEAN countries would start to discuss a new concept and ASEAN rights to interfere in a situation where the threat of spillovers of domestic economic, social and political upheavals can seriously undermine the stability of the entire region' (Palmujoki, 2001:155-156). With regard to the policy of constructive intervention, however, the Malaysian prime minister Mahathir Mohamed warned strongly against the conspiracy of Western economic neo-colonialism which eventually fractured regional solidarity

(Felker, 2001:230). Within this context, thus, the economic crisis led to divisions among and within the ASEAN members concerning the non-interference principle.

The Asian economic crisis not only illuminates the power of globalisation, but also the restraints of regional autonomy, as well as of national sovereignty. Furthermore, it produced different beliefs in, and attitudes towards, economic globalisation within Southeast Asia. Malaysia's Mahathir challenged the role of the market as an unfettered force: 'Market forces are not meant to bring benefits, But benefits, if they do occur, are merely side issues' (Mohamad, 1998:31). In contrast, Singapore's foreign minister, S. Jayakumar argued that '[t]he way ahead is not to turn our backs on globalisation. This is no longer a viable or realistic option. To repudiate globalisation will hurt our long term growth prospect....If we try to turn the clock backwards and walk away from free trade, the impact will not just be domestic, nor will it be merely economic... The prosperity resulting from open markets had provided a foundation for national stability, and regional and global peace and security' (Ministry of Foreign Affairs, Singapore, 28 September 1998). Although Mahathir and Jayakumar had economically different ideologies in terms of the economic strategies to propose for regional as well as national security, nonetheless, both of them politically advocated that ASEAN should stick to the basics of the 'ASEAN Way' in order to strengthen corporate unity, regional stability and security (Haacke, 2003:178-179).

In July 1998, receiving support from only the Philippines, Thailand's foreign minister, Surin Pitsuwan challenged ASEAN's norm of non-interference with advancing and promoting the concept of 'flexible engagement'. But the proposal for flexible engagement faced hostility among ASEAN members because they feared that once implemented, the potential to damage the ASEAN Way would pave the way for various interventions that governments might consider unpalatable (Haacke, 1999:584). According to Haacke (2003:177-183), there are a number of significant reasons why most of the ASEAN states objected to the adoption of flexible engagement as a united regional policy:

- most of the ASEAN members viewed flexible engagement as potentially having the opposite effect of an adherence to the 'ASEAN Way', to which some regional leaders like Jayakumar and Ali Alatas ascribed three decades of peace and stability in Southeast Asia;
- if flexible engagement were approved without ASEAN members being prepared

- to pool their sovereignty, it would drive ASEAN onto a path towards eventual disintegration;
- a weakening of ASEAN cohesion and solidarity carried the danger of divide and rule tactics vis-à-vis the Association by the major powers. For example, China might exploit any ASEAN divisions that might stem from flexible engagement in order to continue its policy of 'creeping assertiveness' in the South China Sea;
 - given the fact that flexible engagement, unlike the 'ASEAN Way', was linked to transparency, political reform, the empowerment of civil society and Western approaches to economic management, most ASEAN governments feared that the adoption of flexible engagement could harm regime security.

The reasons the proposal of flexible engagement was rejected, as we have seen above, are mainly associated with the political aspects of the proposal, rather than the economic. Although the proposal was rejected by ASEAN, the grouping has taken the first tentative measures towards 'intrusive regionalism' by establishing a conduct of 'peer review' on national economies and a regional financial and macro-economic surveillance process, the so called 'ASEAN Surveillance Process' in early October 1998,⁹⁵ indicated a shift from the rigid non-interference policy. Importantly, that is, the surveillance process 'allows for what in the past would have been considered interference by ASEAN leaders but which now ... constitutes legitimate involvement' (Haacke, 2003:194). By implication, this points out that while the principle of non-interference prevailed over flexible engagement by ASEAN in the political arena, the grouping seems to be too weak to resist calls for reviewing its policy of non-interference in the economic arena (Acharya, 2002:28-29).

Following the Asian economic crisis, moreover, one of the important initiatives established by ASEAN was an ASEAN troika system (consisting of three ASEAN representatives, including the current, previous and forthcoming chair of the ASEAN Standing Committee (ASC)), which was formally agreed by ASEAN in July 2000. In fact, Thailand's premier, Chuan Leekpai, proposed the formal institutionalisation of an ASEAN troika at the Third Informal Summit of ASEAN leaders in Manila in November 1999 in the midst of the East Timor Crisis in the Southeast Asian region. The Troika

⁹⁵ 'ASEAN Surveillance Process', as opposed to 'ASEAN Surveillance Mechanism', which had been suggested by the US but was rejected by ASEAN for being too intrusive (see Acharya, 2002:29).

proposal attempted implicitly to rekindle Surin Pitsuwan's proposal of flexible engagement. To this point, we can raise a question why the proposal for an ASEAN troika was not rejected by ASEAN whereas Pitsuwan's proposal for flexible engagement was rejected by most of the ASEAN member states except the Philippines.

According to the ASEAN troika (see ASEAN, 2000), the primary components of the troika concept are palatable to the ASEAN Way context, which can be seen as a major reason for being approved by ASEAN. These components of the troika can be summarised as follows: first, the 'ASEAN troika', originally intended to be a permanent institution at ministerial level, was reconceptualised as an 'ad-hoc body'; second, the troika would not be a decision-making body and was not intended to represent ASEAN beyond its assigned brief. Instead, it was meant to report and submit recommendations to ASEAN foreign ministers; third, the troika is meant to work in accordance with norms enshrined in the ASEAN treaties and agreements, in particular the norms of consensus and non-interference; fourth, the troika can be established on a consensual basis upon the request of the ASC chair or any other ASEAN foreign minister; finally, the troika would normally be composed of the foreign ministers of the present, past and future chair countries of the ASC, although other compositions might also be considered.

As noted above, although the compromise was achieved over the 'ASEAN troika', it clearly re-emphasises the continued validity of the norms of consensus and non-interference. In this context, Haacke (2003:207) argues that the reiteration of these norms as a means for addressing regional crises would appear to 'constitute a further development of ASEAN's diplomatic and security culture'. In terms of the ASEAN's diplomatic and security culture, it can be argued that the policy makers of ASEAN member states have sought to build and consolidate regional identity upon the shared (security) perceptions of the ASEAN Way which has strictly been adhered to by the majority of ASEAN leaders. ASEAN leaders seem to continually abide by their *modus operandi* in relation to the ASEAN Way by re-emphasising the norm of non-interference.

The Asian economic crisis, nevertheless, has resulted in growing pressure from the international community, including Western countries which had in the past overlooked authoritarian rule to retain economic gains. The crisis challenged political concepts such as 'performance legitimacy' which had served as a justification for political repression as long as governments were able to deliver high growth rates (Acharya, 1998:80). In this context, the ASEAN Way as a strong impetus for norm compliance

and regional identity was attacked from external as well as internal forces during the Asian economic crisis. Hence, although such ideas as constructive intervention and flexible engagement were rejected by ASEAN, the projection of these ideas worked, to some extent, as a means of softening the ASEAN Way's strict adherence to non-interference in the domestic affairs of other member states, which eventually led to the exposure of serious cracks in the politics of regime security in Southeast Asia (Tow, 2001:260).

Given these circumstances, although ASEAN leaders are likely to continually stick to the validity of the norms of consensus and non-interference, as mentioned earlier, they also have compromised the rigid non-interference policy by taking measures towards 'intrusive regionalism' particularly in the economic arena. This means that although ASEAN members have adhered to the norms of the ASEAN Way, they also tried to approach regional security problems in a flexible way in order to soothe challenges to their own regime security. Moreover, as mentioned previously, the East Timor crisis opened the door to external interventions such as INTERFET and UNTAET which were largely practiced on the emerging norm of humanitarian intervention. In this context, it can be argued that the norms of the ASEAN Way such as non-intervention and/or non-interference are not just 'fixed', but rather 'open-ended' to be shaped and reshaped according to collective interests and purposes among ASEAN leaders.

It is clear that given the constructivist perspective of international relations, the norms of the ASEAN Way are conducive to constituting regional identity in line with national and/or transnational interests shared by regional leaders. Moreover, with regard to norms, according to constructivists (Wendt, 1995:73-74; Jepperson, et al. 1996:54), they are intersubjective beliefs about the social and natural world that define actors, their situations, and the possibilities of action (see Chapter 3). Therefore, given the fact that the identities and interests of actors are constructed within the context of different processes of interactions and circumstances, norms are not only defining actors but also (re)defined by actors. The norms of the ASEAN Way such as non-intervention, which are the shared beliefs of ASEAN leaders, are reshaped and reproduced through political and social interactions and practices.

6.5 Conclusion

As was shown in this chapter, the decisive response of ASEAN to regional crises,

including the Asian economic crisis (1997-1998) and the East Timor Crisis (1999-2000) was largely contingent upon the impending purpose of the ASEAN member states' survival and the region's solidarity, thereby opening the way for external intervention in internal matters, though reluctantly. Nonetheless, the participation of ASEAN in the UN intervention was meant not only to allow a tentative retreat from the non-intervention principle, but also to strengthen the *raison d'être* of the 'intrusive regionalism' in Southeast Asia at the turn of the millennium.

After the Cold War, the ASEAN Way has been challenged in different ways. In particular, various challenges from the politico-security as well as economic security arena have put the ASEAN Way on trial. Nevertheless, ASEAN attempted to revitalise the regional idea in such a way as to adapt itself to a new security environment of both geo-political and geo-economic shifts in the post-Cold War period. In terms of politico-security, ASEAN has accelerated a trend towards 'outward' (inclusiveness) orientation from 'inward' (or exclusiveness), (which already started from the period of the Cambodian conflict (1978-1989)), in managing regional security problems. In that regard, for ASEAN, the establishment of the ARF in 1993 was a case in point. By implication, this was viewed as the major product of ASEAN's attempt not only to secure better its role and position in an unstable time, but also to strengthen regional identity through infusing the ASEAN Way into an enlarged Asia-Pacific multilateral forum.

Within the context of geostrategic changes in the ASEAN region after the Cold War, in particular, ASEAN witnessed an emerging hegemony of China in the region, which also projected a 'China threat' to the ASEAN member countries in terms of the South China Sea issue. In dealing with this issue, although ASEAN member countries have historically accustomed to turning to bilateral negotiations to manage regional security problems, they also attempted to embrace the multilateralism of the ARF with emphasising 'inclusiveness' which was supported by the concept of 'cooperative security' emerged in the early 1990s (Acharya, 2003:315; also 6.2). Importantly, this implies that as the ASEAN states were relatively flexible in utilising America's and, later on, China's intervention and support against Vietnam to punish Hanoi for its use of force in Cambodia during the Cold War (see Chapter 4), ASEAN in the post-Cold War has continued to utilise 'flexibility' of its security diplomacy within an Asia-Pacific multilateral forum to socialise China to be engaged in the ARF. In addressing regional security problems, thus, this implies that the notion of flexibility for ASEAN has evolved out of the Cambodian conflict (1978-1989) into developing the multilateralism of the

ARF out of the habitual and conventional favour of bilateralism.

Most importantly, the impact of the Asian economic crisis upon the ASEAN Way in the specific case of the East Timor (1999-2000) demonstrated the tussle between the regional norm of non-intervention and the global (emerging) norm of so-called 'justified intervention' in the name of post-Cold War UN humanitarian mission. Although most of the ASEAN states objected to the adoption of flexible engagement which resulted from the effects of the economic crisis, as noted earlier, the reasons the proposal of flexible engagement was rejected are mainly associated with the political aspects of the proposal, rather than the economic. That is, although ASEAN was quite expedient to reject any policy of threatening the non-intervention principle in the political arena, the economic factor, as was demonstrated in the Asian economic crisis, was likely to wither the doctrine of non-intervention in the ASEAN Way context.

Given these circumstances, it is worthwhile to point out that as Wendt (1999:92-138) argued from the constructivist perspectives, ideas and/or norms are not just rules for action, rather ideas and/or norms operate to shape actors and action in world politics. This means that ideas and/or norms not only constrain actors but also constitute actors and action. That is, the tussle between the conventional norms of the ASEAN Way and the emerging norms such as humanitarian intervention can not only constrain ASEAN policy makers in dealing with regional security problems, but also constitute new actors such as NGOs particularly involved with human rights to have some impact on the thinking of governments within the ASEAN region. In this context, it can largely be assumed that although the basic axiom of the ASEAN Way seems to be promoted by ASEAN member states, the global forces particularly linked to humanitarian intervention and economic globalisation are strong enough to call for rethinking the principle of non-intervention in ASEAN. By implication, this means that the norms of the ASEAN Way leave a room for ASEAN leaders to reconsider the scope and extent of the norms to be practiced within the relational context of interactions among local, regional and global forces.

Therefore, the ideas and/or principles such as intrusive regionalism and humanitarian intervention emerged as new challenges to ASEAN regional security mechanisms in the post-Cold War era. In this period, nonetheless, as was proven in the cases of Asian economic crisis and the East Timor crisis, for most of the ASEAN countries are vulnerable to internal as well as external forces, it is no surprising that they have a

strong intention to prioritise the strict adherence to the 'ASEAN Way' so as to strengthen the theme of nation-building in line with regime stability and security. Because most of ASEAN members (which are still weak states and powers) would intend to liken the modification or even renunciation of the ASEAN Way to the disunity among the Association's members. Moreover, because the ASEAN members fear that any intention to destroy the ASEAN Spirit or the ASEAN Way (if its potentials was put into practice) would open the door to the loss of sovereignty caused by diverse external interferences that the ASEAN states think unacceptable. In this sense, as long as ASEAN as a political entity exists, the politics of the 'ASEAN Way' does seem to prevail over any other variation, in which the member countries can maintain and advance the *raison d'être* of 'cooperation' in terms of regional security.

Indeed, as mentioned in chapter 4, it was not accidental that ASEAN members as a group of weak states prioritised such norms as 'respect for the sovereignty and territorial integrity of all states' and 'non-interference in the affairs of States'. Rather, the commitment of ASEAN members to the principle of the modern Westphalian state system should be understood in the context of the search for internal stability and regime security. As examined in the cases of the Cambodian crisis (1978-1989), the Asian economic crisis (1997-1998) and the East Timor crisis (1999-2000), therefore, when ASEAN states recognised their limits to resolve regional crises by themselves, they attempted to take advantages of external powers to address the crises with the intention of temporarily allowing the interference of the outside powers. From the start of ASEAN, however, what made regional security cooperation really distinctive were the norms and values which came to be known as the 'ASEAN Way', that have not only been created by ASEAN leaders, but also been instrumental in forming the type and character of ASEAN politico-security regionalism. What is noted, in fact, is that regional norms and values are important for not only constructing politico-security regionalisms in both ASEAN and SADC, but also being constructed and reconstructed by the member states of each regional organisation. In this context, hence, the fundamental mechanisms of SADC politico-security regionalism in the post-Cold War era will be explored by comparing SADC with ASEAN in the next chapter.